67.

Mr O'Connor to report whether this claim ought not to be submitted to the Arbitrator under the Convention

Mr O'Connor

Dft 28

U. S. Legation, Japan!
Tokei, 21 March, 1874.

DEPARTMENT OF STATE. RECEIVED APR 28 1874

Ans. 16 Sept

Mr. Bingham
to the
Hon. Secretary of State.

Subject.

The claim of Dr Hozier against the Japanese Government. A copy of a communication the Minister for Foreign Affairs inclosed, arguing against the payment of the claim; also a copy of Mr Bingham's reply, accepting to the statements and conclusions of the Minister, and insisting upon the payment of the claim.

Enclosures

Enclosures.

1. Mr Bingham to the Minister for Foreign Affairs, 13th March, 1874.

2. The Minister for Foreign Affs. to Mr Bingham, 13th December, 187

No 67.

U. S. Legation, Japan,
Tokei, 21 March, 1874.

Sir:

Referring to your Instruction No 21 of 10th January last, I have the honor to say that on the 13th instant, after a careful Examination of the record in this Legation remaining of the claim of Dr Hozier, I addressed a communication to the Minister for Foreign Affairs, insisting upon the payment of the amount found due to Dr Hozier, a copy of which communication is herewith. (Enclosure 1.) You will observe that in this communication I reply especially to the letter from the Minister for Foreign Affairs of date 13th December, 1873. (Enclosure 2.)

addressed

The Honorable
The Secretary of State

addressed to me upon the sub
ject of the claim of Dr Hozie
and in reply to a letter of
Mr DeLong of 28th April, 1873.
It may not be improper for
me to call your attention
to what seems to me to be
the fact, that in this com
munication an attempt is m
wholly unwarranted by the rec
of facts in the case, by invo
and misrepresentation to avo
the manifest obligation of th
Government of Japan to pay
to Dr Hozier's estate the
amount found due to
him by the referee, viz.:
$10.000. I trust that my
presentation of the subject
will meet the approva
of your judgment.

It is due
to myself to say that I wou
have replied earlier to th
letter

letter of the Minister for Foreign Affairs but for the reason that I was wholly unadvised of the state of the case and of the record, and had also been informed that Dr Stogier was deceased.

I am, Sir,

Your obedient servant,

Mo. A. Bridgman

No 67. Enclosure 1.

Copy.

U. S. Legation, Japan.
Yokohama, 13 March, 1874.

Your Excellency:

I have the honor to acknowledge the receipt of your communication of the 13th December last in reply to a letter of my predecessor of date 28th April, 1873, touching the claim of Dr Hogier, formerly a citizen of the United States, against what you designate as "the late "Kochi Han". I regret that my want of information as to the character of this claim constrained me to defer an immediate reply to Your Excellency's communication. Since its receipt I have received instructions from my Government, under date 10th of January, 1874, calling

His Excellency,
Terashima Munenori,
H. I. J. M's Minister
for Foreign Affs.

calling my especial attention" to the
"claim of Doctor William Henry Hozier
"against the Japanese Government." I
am referred by the Department of
State to its several despatches
on this subject, dated, respec=
tively, 19th March, 1872, and 22d
February, 1873, and directed to re=
new the application to the Gov=
ernment of Japan for a settlement
of the claim of Dr Hozier, and to
notify the Government of Japan
that Dr Hozier died in Feb=
ruary, 1873.

The treatment of this case, with=
out intending any reproach upon
Your Excellency, I beg leave to say
is a matter of regret. It seems
to me to be a delay of justice
which surely is not in the
interest of Japan, and I believe
is not in accordance with
Your Excellency's wishes or purposes. I cannot
find in the statements of Your
Excellency

Excellency's communication of the 13th December any explanation of the indifference manifested by the Government of Japan to this claim which had justly been presented for its consideration. Nearly Eight months elapsed before any notice, as far as I am advised, was taken of the letter of my predecessor on this subject. Neither can I find in Your Excellency's communication to me any statement of fact or law, which can justify the Japanese Government in longer deferring the payment of at least $10000, the amount found due to Dr Hozier on the submission made to Mr Alt. I respectfully submit that the reference in Your Excellency's letter of this 13th December to the opinion given by Mr O'Connor, Examiner of Claims &c, is a partial

partial imperfect and incorrect statement
his report. Referring to the letter
of the Secretary of State of 22nd
February, 1873. Your Excellency says,
"The Secretary of State has fallen
"into the misapprehension that the
"questions growing out of the claim
"of Dr Hozier have been settled by
"an award made by Mr Alt." To
satisfy me that you are right upon
this point, Your Excellency refers me to the th
clause of the O'Connor opinion, in
which Your Excellency states that he
says "just as the award was about
"to be made, a Minister of State
"arrived there and put an end to
"all further proceedings," and Your
Excellency adds that Mr O'Connor
in the conclusion of his report
gave the opinion that the proposed
award of Mr Alt was just, and
equitable.
It is not a good rule of law, in

is it justice, to take but a part of a statement, official or unofficial, to determine its meaning. Your Excellency will find that in the third clause of the O'Connor opinion, to which you refer, this language: "A Minister of the "Tosa Government proposed that "Dr Stozier proceed to Yedo with "a Government officer, and "submit the whole matter to "Mr Alt and Mr Goto (styled 'middle men') Sakuma was the officer representing the Tosa Government, and with the plaintiff (Stozier) proceeded to Yedo, where the matter was submitted to Mr Alt as sole referee. Mr Alt found that Dr Stozier had not broken the contract, and awarded to plaintiff $10.000 Cash at once."

From

From my knowledge of Your Excellency
I cannot doubt that you will see
at once the injustice of the at=
tempt to get rid of the statement
made by the Secretary of State
by suppressing this important
part of the third clause of Mr
O'Connor's opinion. He expressly
declares that Mr Alt found
that Dr Stozier had not broken
the contract and that he
awarded to him (Stozier) $10,000
cash at once. He also reports
that the case was submitted
to Mr Alt as sole referee. Now,
after all this, the effect of the
submission by the Tosa Government
and Dr Stozier, and of the award
so found in favor of the latter,
is sought to be got rid of, because
of the fact reported by Mr O'Connor
that

that" just as the award was about
"to be made a Minister of the
"Government arrived, and put a
"stop to all further proceedings".
I do not stop to enquire why,
in making this reference in
your letter, the language of the
third clause of Mr O'Connor's
report was but partially quoted,
nor why the words are inserted
in your letter as in that clause
that "a Minister of Tosa" arrived &c.
It is sufficient for my present
purpose to say that there is
nothing in the third clause of
Mr O'Connor's opinion that shakes
the correctness of the statement
of the letter of the Secretary of
State, wherein, referring to the
questions

-question involved in this claim, the
Secretary says that the Department
conceives "these questions to have
"been settled by the award of the
"Alt, to whom the matters in
"dispute between the Tosa Gov=
"ernment and Dr Hozier were
"referred by the mutual agree=
"ment of the parties, and, as
"the claimant states, at the in=
"stance of the Government of Tosa".
It seems to me that like injus=
tice is done in your letter
by the partial statement therein
of the complaint made by Dr
Hozier to the American Consul,
Mr Frank. It is attempted to be
shown by your Excellency's letter that Doctor
Hozier, as appears by his complaint
"did not understand that there had
"been any submission for an ar=
"bitration" of his claim. No reason

is assigned for this remarkable statement Except this, "that at the "conclusion of his complaint he "claims not $10000, the amount "of the supposed award, but $17/m."

I call Your Excellency's attention to the fact, so strangely overlooked in your communication, in referring to this complaint that it distinctly states that "the Minister "sent an officer to plaintiff's "requesting as a favor that he would proceed to Yedo, because both Mr Alt and Mr Goto were then at that place, and they felt sure a compromise could be effected through their intervention," concluding this request by reminding Stozier that he had said he only wanted what was fair."

Following this complaint further you will find therein the State-

ment

ment in these words: "Plaintiff
"(Hozier) proceeded to Yedo in
"company with Mr Sakuma,
"the officer in charge of the
"business, and it was left to
"the arbitration of Mr Alt. Just
"as his award was made. $11000
"cash at once, one of the Ministers
"arrived and put a stop to all
"further proceedings." I think it
but due to Your Excellency to say
that I do not believe that
you had knowledge of what is
herein quoted from this com-
plaint when you signed the
letter communicated to me, con-
taining the remarkable statement
that upon his complaint made
to Consul Frank it appears that
"Dr Hozier did not understand that
"there had been any submission."
This statement of complaint positively
asserts that "it (the business) was
left

left to the arbitration of the Alt. "And
also that" just as his award was
made, one of the Ministers arrived
and put a stop at once to all further
proceedings. It is certainly not ad=
missible to say ~~in~~ in the presence
of this language in his complaint,
that Dr Hogan did not consider that there
had been a submission or an award, because
afterwards in his complaint he expressed
the opinion that he might justly claim
or demand $17,500 (not $17,000 as stated
in Your Excellency's letter.) No man's
equity was ever yet denied by a
just tribunal because he claimed
more damages for breach of con=
tract than was allowable by
law. What is his due he was entitled to,
no matter what amount of damages
he put into his complaint. He
forfeits nothing by that complaint
and is in law and equity en=
titled to the sum found and
declared in his favor by the
referee

referee, Mr Alt. There was an awa
duly made of $11000 in favor of
Dr Stozier, as clearly appears
both by the record of this Le=
gation and in your Department.
That award should have been
paid before, and ought to be
paid now, though a Minister
of the Government appeared and
put a stop to the proceeding
after the award was made, and
before it was reported in writ=
ing to the Department. The
Secretary of State is justi=
fied in all that he stated in
in his communication referred
to by you. It is not to be sup=
posed that Japan will invite
a gentleman of high character
and learning to her shores, and
allow him after services have
been faithfully rendered in pur

pursuance of a contract, the validity
of which has not been questioned,
to be first unlawfully interferred
with in the performance of it,
and finally unlawfully denied
payment of the amount found
due to him by the arbitrator to
whom the question under the contract had
been submitted by the mutual agree=
ment of the parties. A private person
would not be permitted, after the
amount had been found and declared
by his referee, to interpose and stop all further
proceedings, and a just Government
should not permit anything of the
kind to be attempted, as it
appears was done in this case.
In neither case can an individual
or a nation by any such act
avoid his or its ascertained liability,
because neither an individual nor
a nation is allowed to take
advantage

advantage of his own wrong. The same law governs nations in such cases as individuals inasmuch as a nation is but a collection of individuals.

I think it not improper to say in the words of the Secretary of State, "if the Government of Japan have "reasonable doubts upon any "point as to the facts or the "evidence in support of this "very just claim, they should "indicate their difficulty."

But one word more. Your Excellency says, "It is true as "you (I) conjecture that the "several questions in respect "to the claim by Dr Hozier are "still open and unsettled." I beg leave to say that I have not to expressed myself. Perhaps Your

Your Excellency meant to say that my predecessor so conjectured. I fail to find anything in his communication on the subject which justifies the suggestion Your Excellency has made."

It is my opinion that the claim has been established to the amount of $10.000 beyond question or cavil, and I cannot doubt that Your Excellency will be of like opinion after you shall have fully considered the facts as they appear of record, and that you will do justice alike to Japan and to the children of the deceased claimant by ordering the payment of the award made by the Alt. to wit: $10.000.

I am Your Excellency's
Obedient Servant
(Signed) Jno. A. Bingham

No 67.

Enclosure 2.

Copy.

Foreign Department. Tokio.
13th of 12th month of 6th
year of Meiji.

Sir:

In reference to the communication of your predecessor Hon. C. E. DeLong, dated the 28th April, 1873, regarding the complaint of Dr Hozier, one of your countrymen, against the late Kochi Han, forwarding a copy of instructions addressed to him by the department of State, bearing date the 22d of February, 1873. I have to reply as follows:

The secretary of State has fallen into the misapprehension that the questions growing out of the claim of Dr Hozier have been settled by an award of full alt. The shortest method of satisfying you upon this point is to refer to the third clause of an opinion given by Mr O'Connor, Examiner of claims, dated the 14th of February, 1872, a copy of

which

which was forwarded to this de
partment by your Legation. The a
Examiner says." Just as the awar
"was about to be made a Mino
"of Tosa arrived there, and put
"an end to all further proceedi
At the conclusion, Mr O'conno
again gave his opinion that t
proposed award of Mr Alt wo
"just and equitable".
The truth is that he did not
as an arbitrator, with power
make a decisive conclution, b
as a mediator to effect a com
promise between the parties. D
Stogier in his complaint t
the American consul "General
Frank" dated the 2nd July, 18
stakes that he was requested
proceed to Yedo, because both
Mr Alt and Goto were then
at that place, & a compromi
could not effected though
their interference". It is in
very plain that Dr Stogier d
not understand that there
had been any submission up
any arbitration, for, at the con
clusion

clusion of his complaint, he claims not $10000, the amount of the supposed award, but $17000. It is true, indeed, as you conjecture, that the several questions raised by Dr Stozier are still open and unsettled; he can therefore submit his claim to our proper judicial tribunals for examination, upon proceeding in person or by attorney as he may think proper."

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest and distinguished consideration.

Signed. Wooyeno Kagenori,
H. I. J. M's second vice minister for Foreign affairs.

The law allows compensation to Secy of Legation only to the time when he shall cease to hold such office, and provided he be actually & necessarily occupied in & making the transit between the place of his Starkville Dutchess County residence and his post of duty. The time spent between the 8th of last New York March 23rd 1874
and the 20th of Nov was not occupied in transit - therefore no compensation can be allowed for that time

Ack. 16 Mar

DEPARTMENT RECEIVED MAR 25 1874 OF STATE

Hon. J. C. O. Davis.

Acting Secretary of State.

Washington DC

Sir.

I have the honor to acknowledge the receipt of your dispatch dated March 16th 1874 and in reply to your wish for an explanation as to the cause of my remaining in Japan after I ceased to be Secretary of Legation I beg to say that as I had received no official information of the coming of Hon Dinsmoor and as he assumed charge the 8th of October I could not settle

Secy

my affairs in time to leave by the Steamer of the 22nd and so could not have possibly left before the 8th of Nov. but remained from the 8th until the 20th of Nov. in order to accompany the former Minister Mr. DeLong. Therefore I would wish to know if you will allow me to draw for the 12 days intervening between the 8th and 20th of Nov, and would also ask instructions as to the manner of drawing. These are the facts of the case and I now leave it entirely to you. Humbly requesting your early attention

I have the honor to remain Sir
Your most obedient Servant
Egbert DeLong Berry.

Mr Burdan

Acts 8 May

No 68.

U. S. Legation, Japan,
Tokei, 1 April, 1874.

Mr Bingham
to the
Hon. Secretary of State.

Subject.
Receipt of Instructions Nos.
24 and 25; Circular 47, &c.

No 68.

U. S. Legation, Japan,
Tokei, 1 April, 1874.

Sir:

I have the honor to acknowledge the receipt of your Instructions Nos 24 and 25, Circular 47, and of your communication of the 17th Feb= ruary last with reference to a copy of the International Signal Code transmitted for the use of the Japanese Navy Department. I have, as directed, forwarded this volume to the Navy Department

The Honorable,
The Secretary of State.

through the Department for
Foreign Affairs.

I have also the honor to
acknowledge the receipt
of the stationery alluded to
in your Instruction No. 24.

I am, Sir,

Your obedient servant,

Wm. A. Bingham

Copies of Reports
to Treas'y 5 May

Mr Budan

No 69.

Ack'd 8 May

U. S. Legation, Japan,
Tokei, 1 April, 1874.

Mr Bingham
to the
Hon. Secretary of State.

Subject.

Encloses reports of prices current of Teas at Yokohama and Hiogo, for the months ending, respectively, March 28 and 19.

Enclosures.

1. Tea report for Yokohama.
2. Same for Hiogo and Osaka.

No 69.

U. S. Legation, Japan.
Tokei, 1 April, 1874.

Sir:

I have the honor to transmit herewith a report of the prices current of Teas at Yokohama, for the month ending March 28, 1874; and at Hogo for the month ending March 19.

I am, Sir,
Your obedient servant,
Jno. A. Bingham

The Honorable,
The Secretary of State.

No 69.

Enclosure 1.

Prices Current of Teas at Yokohama for the month ending March 28. 1874.

Grade	Price
Common	$18 to $24
Good Common	26 " 30
Medium	31 " 34
Good Medium	36 " 38
Fine	41 " 44
Finest	45 " 50
Choice	Nominal
Choicest	Nominal

Prices are in Mexican Dollars and per picul.

No 69.

Enclosure 2.

Price Current of Teas at Kobe and Osaka for the month ending March 19.

Grade	Price
Common	$18 to 25
Good Common	27 " 30
Medium	31 " 33
Good Medium	34 " 38
Fine	40 " 45
Finest	46 " 50
Choice	51
Choicest	Nominal

Mr O'Connor
May 5
Ack May 9

Mr O'Connor

No 70.

U. S. Legation, Japan,
Tokei, 1 April, 1874.

Mr Bingham
to the
Hon. Secretary of State.

Subject.

Mr Hawes, Consul at Hakodadi, enquires whether the case of certain seamen transported by the Japanese from Niimoro in Yesso to Hakodadi, is within the III Art. of the Treaty of '54. Mr Bingham is of opinion that it is not, but advises Mr H to submit the claim of the

Japanese

Japanese Authorities to the Department.

Enclosures

1. Mr Howes to Mr Bingham, March 3. 1874.

2. Mr Bingham to Mr Howes, March 30th, 1874.

No 70.

U. S. Legation, Japan.
Tokei, 1 April, 1874.

Sir:

I have the honor to
enclose for your consider-
1/70 ation a communication to
myself from J. H. Hawes,
Esq., U. S. Consul at Hakodadi,
under date the 3rd ultimo,
1/70 together with my reply
thereto, dated the 30th ul-
timo.

I trust that the
conclusions I have reached
and expressed in my reply

to

The Honorable,
The Secretary of State.

to Mr Howes in relation to the claim of the Japanese Authorities for transporting the American seamen of the schooner "Cygnet" from Simoda to Hakodadi, and also in regard to the construction of the Treaty of 1854, and the Act of 1803, may meet your approval.

I am, Sir,

Your obedient servant,

Jno. A. Bingham

No 70.

Enclosure 1.

Copy.

No 310.

United States Consulate,
Hakodate, March 3/74.

Hn. Jno. A. Bingham,
E. E. and M. P. to Japan,

Sir:—

I desire to ask your opin=
ion on a question of law in
a case now before me. The
circumstances are as follows:
The Master of the Am. Schr. "Cyg=
net" shipped his officers and
crew at this Consulate for a
cruise not to exceed ten
months, the articles stipu=
lating

stating that all the officers and sailors were to be returned, paid off and discharged here. The "Cygnet," after cruising through the Summer, discharged two of the officers, the cook and three seamen on Staten Island, to one 550 miles from Hakodate, and proceeded across the Pacific with the remainder of her crew. These discharged seamen took passage on the small English schooner "Swallow," destined, it is said, for this port, but, being very weak and unseaworthy, was only able to proceed as far as Nimero on the coast of Yesso, about 300 miles from here.

here, where she was beached and burned, and the seamen were subsisted and transported thence to Hakodate by the Japanese. The Japanese Authorities now present a bill for $82.86 for Expenses in transporting the American seamen of the schooner "Cygnet."

The question upon which I would like your opinion is this: Do these men come under the III Article of Perry's Treaty, and as shipwrecked men are they entitled to transportation and subsistence without charge?

My own judgment in the matter is that they are not.

The

The vessel on which they shipped, was not wrecked; it entered into an undertaking, as shown by the Articles, to return these men to Hakodate; and even tho' the men may have consented to be discharged in that almost uninhabited Island (I have no positive knowledge that they did so consent) still I think the vessel is liable for any Expense which may be incurred by the Authorities of Japan or the United States, in consequence of their irregular discharge.

As the "Cygnet" has returned to California

it

it will be necessary for me to forward this account to our government for collection, and for this reason I would like your opinion in the case, knowing that you are much more competent to judge of legal questions than I am.

I have the honor to be
Very Respectfully
Your Obt. Servt.,
(Signed) J. H. Howes,
U. S. Consul.

No 70.

Enclosure 2.

Copy.

No 66.

U. S. Legation, Japan.
Tokio, 30th March, 1874.

J. H. Howes, Esq.,
U. S. Consul,
Hakodadi.

Sir:

I am in receipt of your No 310 of the 3d instant in which you ask my opinion as to the payment of the sum of $82.86 to the Japanese Authorities, being the expense incurred by them in the transportation of certain

American

American seamen of the schooner "Cygnet", an American vessel. You state the facts to be — that these seamen were discharged from the "Cygnet" on Staten Island, some 5500 miles from Hakodadi; that they were afterwards carried to Niimero on the coast of Yesso by the English schooner "Swallow," where that vessel was beached, and burned; and that they were there subsisted, and transported thence to Hakodadi by the Japanese, for which service the bill is rendered.

To your specific enquiry, whether the case presented by

these seamen is within the Third Article of the Perry Treaty of 1854, I have to say that it is not, because that Article is limited in its effect and operation to cases where ships of the United States are thrown on the coast of Japan, and because it appears that the vessel from which these seamen were discharged in Yesso and which was there beached and burned was not an American but an English vessel.

I would advise you to notify the Japanese Authorities of your desire to compensate them

them for their good offices; and to that end, that you forward the account to the Department of State, with your recommendation for its payment. I deem it proper to suggest further that it is my opinion that you are fully authorized by Section 4 of the Act of February 28, 1803, (II Statutes at Large, 203.) to provide subsistence and passage for these American seamen, if you consider them destitute within the meaning of that Act, and also to procure for them passage to some port of the United States

States, at the Expense of the United States, as is provided in that Act, for which see United States Consular Regulations, page 214, paragraph 765.

I am, Sir,

Your obedient servant,

(Signed.) Jno. A. Bingham.

M. W. Berdan

DEPARTMENT OF STATE RECEIVED JUN 27 1874

United States Legation
in Japan

Yokio April 2nd 1874.

Mr Nathaniel Niles Interpreter
to Department of State

Contents

Inmaidenly Salary acct for quarter ending.
March 31st 1874.

Enclosure.

United States Legation
in Japan

Tokio April 2nd 1874.

Sir,

I respectfully forward for the approval of the Department my a/c for Salary for the quarter ending Mch. 31st 1874. (Enclosure No 1) together with vouchers for my draft drawn yesterday upon Messrs Morton Rose & Co London. Eng. Enclosure No 2.

Not being able to negotiate my draft for the loss by Exchange, I have enclosed to credit myself with the amount until the next quarter is due. — Asking for your kind approval I am

The Hon. the Asst Secretary of State
Washington DC

Sent to Treasy July 11 1874.

I am.

Sir.

Very Respectfully

Nathaniel Niles

Interpreter & Legation

Enclosures. —

No 1. Salary account for quarter ending March 31st 1874.

No 2. Vouchers Nos 1 & 2. for bills of Exchange. on ~~Sight~~ sight drawn April 1st 1874. on Messrs Morton Rose & Co London

Approve
2 May

No 71. Dec 8th May Mr Berdan

U. S. Legation, Japan,
Tokei, 4 April, 1874.

DEPARTMENT
RECEIVED
MAY
5
1874
OF STATE

Mr Bingham
to the
Hon. Secretary of State.

Subject.

The Portuguese Minister requests consent to the appointment of U. S. Consul Hawes to the post of Portuguese Consul at Hakodadi. Mr B replies that such an appt. cannot be made. He has no doubt, however, that the Department will consent that Mr Hawes shall render such good offices as he may

consistently with his duties to the U. S., to the Govt. of Portugal.

Enclosures.

1. Mr Howes to Mr Bingham March 4. 1874.
2. Mr Bingham to Mr Howes, March 28. 1874.
3. Viscount Jannario to Mr Bingham, Dec 16/73.
4. Mr Bingham to Viscount Jannario, 28. March, 1874

No 71.

U. S. Legation, Japan,
Tokei, 4 April, 1874.

Sir:

I am in receipt of the let-
ters herewith, Enclosures 1 and
1/71 2/71 3, from J. H. Hawes Esq., U. S.
Consul at Hakodadi, and a
Viscount de S. Jannario, Port-
uguese Minister to Japan &c.,
in which I am informed
of the tender of an appointment
to Mr Hawes of the office
of Portuguese Consul at
Hakodadi, and am requested
to give my assent thereto.

To
The Honorable,
The Secretary of State.

To these gentlemen I have
replied as per Enclosures
2 and 4 " " "
2/7. 4/71
You will notice that in
these replies, I deemed
it my duty to say in
substance that the Consti=
tution of the United States
forbids the acceptance by
Mr Hawes of the office pro=
fered to him, at the same
time informing both that
gentleman and the Portuguese
Minister that I do not
doubt the propriety of the
former performing such
good offices for the
Government of Portugal
as may be consistent with
his

his duties as Consul of the United States.

I respectfully submit the matter for your consideration; and request your instructions with reference to it.

I am, Sir,

Your obedient servant,

Wm. A. Pinkham

No 71.

Enclosure 1.

Copy.
No 311.

United States Consulate,
Hakodate, March 4/74.

Hon. Jno. A. Bingham,
E. E. and M. P. to Japan,

Sir:—

I had the honor to in=
form you on the 21st of November
last of the request of His Ex.
Viscount de S. Januario of the
Portuguese Legation at Macao,
requesting me to act as
Portuguese Consul at this
port.

I am now in receipt of
a letter bearing your
address

address which H.E. informs me relates to this matter and which I enclose herewith.

Very respectfully,
Your obt. servt.
(Signed) J. H. Hawes.
U.S. Consul.

No 71.

Enclosure 2.

Copy.

No 64.

U. S. Legation, Japan,
Tokei, 28 March 1874.

J. H. Hawes, Esq.
U. S. Consul,
Hakodadi.

Sir:

In reply to your No 311 dated the 4th inst., I have to say that the 1st Article, 9th Section and 7th Clause of the Constitution of the United States forbids your acceptance of an appointment to the office of Portuguese Consul at

at Hakodadi in the absence of an Act of Congress consenting thereto. I am not aware that any such Act has been passed. I cannot, however, see any objection to your extending your good offices to the Government of Portugal in a manner consistent with your duties as Consul of the United States, but shall ask the instructions of the Department on the subject.

I have replied to the letter of His Excellency Viscount de S. Januario of the 16th December last.

I

I am, Sir,

Your obedient servant,

(Signed.) Jno. A. Bingham "

No 71.

Enclosure 3.

Copy.

Legação De Portugal no

No 166. Japão.

Macao Government House,

the 16th December, 1873.

Your Excellency:

Desiring to entrust to Mr J. H. Howes, United States Consul at Hakodadi, the care of Portuguese interests at that place, I have the honor to beg Your Excellency's consent to the appointment of the

His Excellency John A. Bingham

United States Minister Plenipotentiary

in Japan. &c. &c. &c.

aforesaid gentleman to the post of Portuguese Consul at Hakodadi.

Awaiting Your Excellency's reply.

I remain

with the highest consideration,

Your most obedient servant,

Visconde de S. Jamaris.

No 71.

Enclosure 4:

Copy.

No 65.

United States Legation, Japan.

Tokei, 28 March, 1874.

H.E.

Viscount de S. Januario,

Minister Plenipotentiary of

Portugal to China and Japan,

re. re. Macao.

Your Excellency:

I have the

honor to acknowledge the

receipt of Your Excellency's

letter of the 16th December

last, transmitted to me

through Mr J. H. Hawes, U.

S. Consul at Hakodadi, in

which

which Your Excellency requests my consent to the appointment of Mr Howes to the post of "Portuguese Consul at Hakodadi." I have no doubt that it will be agreeable to the Government of the United States to consent that Mr Howes shall render such good offices to Your Excellency's Government as he may be able consistently with his duties as Consul of the United States, and I will acquaint the Honorable the Secretary of State with Your Excellency's wishes, to the end that such consent may be given.

In further reply to Your Excellency's

Excellency's communication, however. I have the honor to say that by the Constitution of the United States it is expressly provided that no person holding any office of trust or profit under the United States of America shall without the consent of the Congress accept any office whatever from any King, Prince or Foreign State, and inasmuch as such consent has not been given by Congress, it is not in my power to consent to the appointment of Mr. Cuyler to the office of Portuguese Consul at Yokodadi

as I

as Your Excellency requests.

I have the honor to be,

With the highest respect,

Your Excellency's most obt. servant,

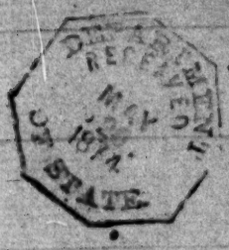
(Sgd.) Jno. A. Bingham.

Mr Bingham
to Mr Berdan
May 26

Ack

No 72.

U. S. Legation, Japan,
Tokei, 8th April, 1874.



Mr Bingham
to the
Hon. Secretary of State.

Subject.

The claim of Walth, Halbr & for alleged wrongful detention by Customs Authorities at Kobe of a lot of Gold Plate or Leaf. Mr Bingham is of opinion that the claim should be allowed to the amount of loss actually sustained.

Enclosures.

1. Consul Turner to Mr Bingham
March 5. 1874.

2.

2. Walsh, Hall & Co to Mr Turner, Feby 26/74.

3. Mr DeLong to Acting Minister Foreign Affs.
July 13. 1873.

4. Acting Sec. F. Affs. to Mr Bingham
December 5. 1873.

5. Mr Turner to Mr Bingham
January 22. 1874.

6. Walsh, Hall & Co to Mr Turner,
January 20. 1874.

No 72.

U. S. Legation, Japan,
Tokei, 8 April, 1874.

Sir:

I have the honor to enclose herewith a letter addressed to Consul Turner at Kobe by Messrs Walsh, Hall & Co. American citizens, of date 26th February, 1874. (Enclosure 2,) setting forth a claim against the Japanese Government to the amount of $638 67/100, being the loss sustained by said firm by reason of the wrongful detention by the Japanese Customs Authorities at Kobe of a Lot

The Honorable,
The Secretary of State.

lot of Gold Leaf known as "China Gold Plate", which was held from April, 1873, until the 30th December last, when the Custom House Authorities decided it was duty free and sur= rendered it.

The question of the liability of this importation to duty, was referred to the Department by my predecessor in his No 414 dated 31st May last, in reply to which the Department, in Instruction No 208, 2d August, 1873, under the impression that the importation was the ordinary Gold Leaf of Commerce, decided that it was subject to duty.

It appears by the letter addressed

to

to me by Mr Wooyeu, Acting
Minister for Foreign Affairs
(Enclosure 4,) that the importation in question was not the commercial Gold Leaf, but China Plate Gold, and was, therefore, not subject to duty. The point is raised in this letter, in avoidance of the liability for damages by reason of the wrongful detention of this property, that it was detained for inspection and the delay occasioned, as is alleged, because it was inconvenient for Walsh, Hall & Co to submit to the inspection. ~~~~~
As to this statement, I have to remark that the right

to

to make inspection did not depend upon the consent of Walsh, Hall & Co, as the result proved. It will be seen that the letter of that firm to Mr Turner, of date 20th January, 1874, distinctly states that the question of inspection did not arise at the time of the detention, and that, if inspection had been demanded, they could not have declined it, as the officers of Customs have a right to inspect all merchandize imported.

It seems to me proper to say that upon all the facts appearing by the several Enclosures herewith and

and by those with Mr De=
Long's of 14 to the Department,
" the detention was il=
legal, and that Walsh, Hall
& Co are entitled to demand
and have from the Japan=
ese Government whatever "
damages they have actually
sustained in the premises "
by reason of this unlawful
detention".

I respectfully submit the
matter for instructions.

I am, Sir,

Your obedient servant,

Mc A. Bingham

No 72. Enclosure 1.

Copy.

No 58.

U.S. Consulate for
Osaca and Hiogo, Japan,
Hiogo, 5th March, 1874.

Hon. John A. Bingham,
Envoy Extraordinary & Minister Plenipotentiary
for the United States to Japan,
Sir:

With reference to my letter
dated 22 January and numbered
25, I respectfully transmit here-
with copy of Mess. Walsh, Hall
& Co's statement of losses actually
sustained by reason of the
Hiogo Custom Authorities having
detained at their Department

a

a certain box containing China "Gold Leaf."

The Superintendent positively declined to recognize this indebtedness of the Customs Department in his communication to this Office under date December 19th, 1873.

I am, Sir,

Your obedient servant,

(Signed) J. Daniel Turner,

Consul.

No 72. Enclosure 2.

Copy.

Kobé (Hiogo) 26 Feby, 1874.

D. Turner. Esq.
United States Consul.
Present.

Sir:

We enclose a statement showing a loss of Yen 638.67 sustained by us on a Lot of Gold Leaf imported from China in April, 1873, and retained by the Custom House Authorities until 30th Dec. last, when they decided that Gold Leaf should be duty free.

We have to ask you

you to be good enough to
claim the above sum from
the Japanese Authorities.

And we are,

Sir,

Your obedient servants.

(Signed) Walsh, Hall & Co.

Statement.

The Japanese Custom Authorities
Dr to Walsh Hall & Co.

For loss sustained as follows
on Gold Leaf imported by the
undersigned from China and
landed from the S.S. "Oregonian"
28th April, 1873; but retained by
the Custom House officials for
duty until 30 Dec. 1873, when they
decided that the article should
be

be "duty free"

Interest on Yen 5982.05 (proceeds of the Gold Leaf as per Mint Certificate) to 8th January 1874, the date of receipt by the Mint, Eight months and twenty one days at 12 per cent per annum

Yen ---------- 5-19.86

Rent paid to the Custom House 30 Dec. 1873. 5-8.99

Lost in Exchange on proceeds of Gold Leaf remitted to China at 7/3½ 14 Feby. 1874, instead of 7/4¼ the rate on 26 May, when a remittance could have been made but for the delay caused by the Custom House - say 1% on Yen 5982.05 59.82

Yen 638.67

(Sgd.)

(Sgd.) Walsh. Hall & C.

No 7/2. Enclosure 3.

Copy.

No 52.

U. S. Legation, Japan.
July, 13th, 1872.

His Excellency.
Wooyeno Kagenori,
Acting Minister for Foreign Affs.,

Your Excellency:

I have the honor to transmit herewith for your information copy of a note with five enclosures received by me from Consul Turner at Kobe relative to the refusal of your Authorities at that port to admit "Gold Leaf" free of duty as has heretofore been done and as it seems has been recently done, and since this dispute arose, for the Oriental Banking Corporation and others.

I beg to inform you that I have submitted to my Government for instructions the question whether it is the right of Americans under the

the Trade Regulations to have this Article admitted free of duty or not; and until the reply is received I am content to let the matter rest as it is, but forward these communications for the purpose of advising you of this claim that is made against your Government by Messers Walsh, Hall & Co that you may not be surprised when it is urged for payment hereafter. I merely suggest that it must be apparent to you that my Government will not submit to any unjust discrimination being made against American merchants such as is very is being made in this business by your Customs officials at Kobe.

I am, Sir,

Your obedient servant,

(Signed) C E De Long.

No 72. Enclosure 4.

Translation.

Foreign Office, Tokei
the 5th day of 12th Month,
6th Year Meiji.

Your Excellency:

In reply to a letter addressed to me by your predecessor, Mr DeLong, dated the 13th July, 1873, accompanied by sundry enclosures and relating to a question arising from duty to be levied on "Gold Leaf" imported by Messers Walsh Hall & Co of Kobe, I have the honor to state that on inquiry into the matter, I have found that at the time of importation

His Excellency,
J. A. Bingham,
Envoy Extraordinary &
Min. Plen of the U.S.A. in Japan.

tion, the above firm made an entry at the Custom House at Kobe to pass a lot containing Gold Leaf free of duty; whereupon the Customs officials in charge told them that should the lot contain Gold Leaf, which, differing from Gold Bullion, is a manufacture much used in gilding, a duty of 5% ad valorem would be levied thereon, and therefore that they would on inspection decide whether the article was to be admitted free of duty or not. However Messers Walsh Hall & Co stated to the officials that although there was no misrepresentation in the entry made by them, yet it being inconvenient for them to have the article inspected and distasteful to them to pay the duty thereon, they would re-Export the same, depositing it in the Bonded Warehouse

until

until they should do so. Though Messrs. Walsh, Hall & Co subsequently mentioned to the Customs Officials that Gold Leaf imported by the Oriental Bank Corporation at Kobe had been passed free of duty, yet the reason why this had been done, was because the article on formal inspection proved to be a very thin plate of Chinese gold and not Gold Leaf to be used in gilding &c.

The facts being as above I beg to propose that the Gold belonging to Messrs Walsh Hall & Co shall likewise be inspected, and decision made whether it shall be admitted duty free or not. Requesting that Your Excellency will be good enough to communicate the foregoing to Mr Consul Turner at Kobe,

With respect and consideration

(Signed) Mooyeno Kagenori

Acting Minister for Foreign

Affairs.

No 72. Enclosure 5.

Copy.

No 25.

U. S. Consulate for
Osaca and Hiogo, Japan,
Hiogo, January 22d. 1874.

To the Hon Jno. A. Bingham
E. E. and M. P. of the U.S.A.
to Japan

Sir:—

I enclose herewith (marked Enclosure 1) copy of a letter from Messers Walsh, Hall & Co to myself under date 20th instant, regarding that firms late importation of "Gold Leaf."

As soon as the statement they propose rendering is received, I will forward it to you, as there would only result delay from any action I should feel justified in taking here.

It is my opinion that the Custom Authorities acted arbitrarily

arbitrarily and unjustly in altering a custom long established by usage in dealing with this merchandize, or its permit form, which if they are allowed to feel they can do with impunity is capable of leading to great inconvenience in the future dealings of foreigners with that Department.

The Acting Minister for Foreign Affairs does not appear in his communication enclosed with your despatch No: 40 to be altogether impartial in his view of the subject, as it appears to me from a review of the documents forwarded to your Legation with my original despatch to which he replies.

I am, Sir,

Your obedient servant,

(Sgd.) Daniel Turner.

No 72. Enclosure 6.

Copy.

Hiogo. Janu. 20th, 1874.

Sir:

We are to day in receipt of your communication of the 15th inst. conveying a copy of a letter from the Foreign Office to the United States Minister regarding duty upon Gold Leaf imported by us in April last and inviting our comments thereon.

The question that arose at the time mentioned was, whether a duty could be then levied upon the article described in our permit as Gold Leaf or China Gold Leaf and upon which duty had not before that time been collected by the Customs.

Daniel Turner, Esq., &c. &c. &c.
U.S. Consul, Hiogo.

We have

Houses in Japan. The question of inspection did not arise at that time, and if it had been demanded; we could not have declined it as the officers of Customs have a right to inspect all merchandize intended for importation.

Upon the decision of the Commissioner of Customs that the Gold Leaf should pay 5%, we entered the lot in bond until the question should be decided by other Authorities. We have lately taken possession of the lot, the Custom House having passed it "duty free", and at the time of inspection we called as a witness the Agent of the Oriental Banking Corporation who declared the contents of the box in the presence of the Customs House officers to be what it

is known in commerce as
"China Gold Leaf."
The gold has been sent to
the Mint for coinage, and as
soon as returns are made
we shall be able to make
a statement showing the loss
we have sustained in consequence
of the action of the Customs
House Authorities, which we
will ask you to collect.

We have the honor to be,
Sir,
Your obedient servants,
(Sgd.) Walsh Hall & Co

Sent to
Dutch Minister
Washington
de Berdaan
Retain copy for files

Washington DC
April 8 1874

Hon.

J C B Davis
Asst-Secty of State of the U.S.

Sir:

I have the honor to acknowledge the receipt of your kind communication of date the 6th inst with its enclosures and in reply beg your kind favor to forward to His Excellency the Minister for the Netherlands in America a copy of the enclosed communication notifying him of my acceptance of the honor conferred upon me by His Majesty the King and expressing my grateful acknowledgement therefor

I have the honor to remain
Sir
Your most obedient Servant
C E De Long

United States of America
Washington April 8th 1874.

His Excellency
Westenberg
His Netherlands Majesty's Minister
in America.

Sir.

By favor of the Depart-
ment of State on the 6th instant
I was placed in possession of a
copy of your despatch thereto of
date November 4th 1873. also of
the communication from H.E.M.
Duycker, Chancellor of the Order
General of Infantry and Extraor-
dinary Adjutant of H.M. the King.
Also of a copy of His Majestys
Decree conferring upon me the
most honorable distinction of
Knighthood, And I also received
the Insignia worn by a Knight
of the rank conferred.

In acknowledging

the receipt of this royal favor, I beg to say through you to His Majesty; to the officers mentioned and to your Government, that I accept this proof of the satisfaction which my services have given with a thankful heart, but a keen sense of the unworthiness of my labors compared with the magnitude and honor of their reward.

It shall be my earnest purpose through life to live worthy of this most honorable distinction; and I shall not fail to so provide, that upon the occurrence of my death this Insignia shall at once be returned to the hands of the Chancellor.

To H.E. M. le Baron Gerricke A.A. Ms. Minister for Foreign Affairs by whose gracious recommendation this honor was conferred, pray say for me, that I am sincerely grateful for this action, and justly proud of the knowledge, that my official services at the Japanese Court as

his temporary and immediate subordinate gave him the satis-
-faction which he has expressed.

To His Excellency the Chancellor I beg you to say that I accept his congratulations in an humble spirit but with great happiness; justly proud of being enrolled as a Companion in a Noble Order which recog-
-nizes <u>virtue</u> as a standard of nobility in man.

I beg to assure you Sir, of my very high Consideration

C. E. DeLong

Accounts of agents Dec 1871-72. to meet expenses of Japan

Appropriation Act 1871-72 Sept 30 - 1872

DEPARTMENT OF STATE
APR 15 1874
RECEIVED

Washington, April 11th, 1874.

Hon.
Hamilton Fish,
Secretary of State,

Sir:

Relative to the account I have filed for monies expended by me to defray the travelling expenses of Mr. N. E. Rice, as Interpreter with the Japanese Embassy, I beg to say:

When that Embassy was organized a spirited strife sprang up in diplomatic circles at the Japanese Court to determine which Government it should first visit, as it was considered that the first Government visited by it would practically mould the system of the new relations, leaving other Governments but little to do but to follow as precedent. Anxious as I was to maintain the lead we had held

in this regard, and to secure for our Government this compliment and advantage, I agreed to and did come with it. But for this I feel that I could not have secured the first visit. Knowing that Oriental diplomatists often avoid their agreements and conclusions by subsequently questioning the truth of interpretations, I brought Mr Rice with me to save you from being subject to such avoidances in your negotiations with the Ambassador. The presence of a foreign interpreter always serving to check such practices, I felt that you would need Mr Rice. I believe you did find his services very beneficial, if not really essential. This is proven by the fact that you constantly employed him and ever retained him after I returned and until the Embassy left for Europe. — I had no time

to obtain your advice or instruction before bringing him. I was compelled to act on my own judgment exclusively. I did so. Mr Rice drew on me for this money, and I paid it as his voucher proves. If then what I did was really in the interest of our Government, I submit that it is not right for me to lose this money, which was disbursed by me for no possible good to myself.

I have the honor to remain,

Sir,

Your most obed't. serv't.

A. E. Lee Long

Approved & sent

Wm Gray April 28, 1894.

Acte 5 June

Mr Burlingame

No 73.

U. S. Legation, Japan,

Tokei, 15 April, 1874.

Mr Bingham

to the

Hon. Secretary of State.

Subject.

Transmits copies of Notice to Mariners with reference to the Light at Omaisaki.

Enclosures.

Two copies of Notice to Mariners, No 3.

No 73.

U. S. Legation, Japan,
Tokei, 15 April, 1874.

Sir:

I have the honor to transmit herewith for the information of the Honorable the Secretary of the Navy — copies of a Notice to Mariners by the Public Works Department of the Japanese Government, to the effect that from the 1st proximo a revolving light of the first order will be shown from the Omaisaki Lighthouse.

I am, Sir, Your obt. servant,

Wm. A. Pinkham

Mr Bingham & Mr Berdan
Dmy Feb ans 2 Sept

No 74.

U. S. Legation Japan.
Tokei 16 April, 1874.

Mr Bingham
to the
Hon. Secretary of State.

Subject.

In Oct. 70 Walsh, Hall & Co sold certain property to officials of Aki Han. This property was disposed of by the officials, and the Han refused to indemnify W. H. & Co although punishing the officers. The claim for $ 23220. is presented for instructions.

Enclosure.
Statement of the Claim

No 74.

U. S. Legation, Japan.
Tokei, 16 April, 1874.

Sir:

Messrs Walsh, Hall & Co, American citizens resident in Yokohama, presented to me the written statement herewith enclosed, setting forth a claim against the Japanese Government to the amount of $23,220. This statement in so far as it refers to matters of record, seems to be in accordance with the record.

The Honorable,
The Secretary of State

The Japanese officials who made the contract with Messrs Walsh, Hall & Co, as I am informed were by the usage of the Empire allowed to contract for the Han. I submit the statements for your consideration and and for instructions in relation thereto.

I am, Sir,

Your obedient servant,

Wm. A. Kinghams

No 74 Enclosure

Copy.

Notes in re Walsh, Hall & Co's

Uki Han.

On the 24th of October, 1870, Walsh, Hall & Co sold 12000 pieuls of China Rice to several Uki officers for the sum of $25.800, of which amount $2.580 was paid in cash and a promissory note was given signed by Watanabe Kaudgin and four others as principals, and Suzuki Gensaka and Shimidzu Ginbe as sureties with what was represented to be the seal of the Uki Han affixed for the balance $23.220 payable in six months after date, due

on 22d April, 1871.

There is no dispute as to the correct delivery of the Rice nor as to the figures of the present indebtedness as above given.

The promissory note not having been paid when due the matter was placed in the hands of the United States Minister as per Walsh, Hall & Co's letter to him dated May 27th, 1871.

A trial of the case appears to have taken place in Yedo, but as claimants were not asked to be present nothing is known of it beyond what appears in the proposed judgment of the Judicial Department dated the 17th day of the 3d month

month. This judgment is to the effect that Suzuki Gusa-kun, who had represented himself as the Gondai Sanji of the Uki Han, was an im-poster and swindler; that he had been out of office for some time and had no right to pledge the Uki Han as he did; that the seal he used and which he represented as that of the Han was simply the seal of the Han as used in Parliament and without other value than for Parliamentary purposes; that the property obtain-ed from Walsh, Hall & Co was used for the benefit of Watanabe, Suzuki and the others who

obtained

obtained it, and in no way for the benefit of the Uki Han; and that the only satisfaction that can be given to Walsh, Hall & Co. is the punishment of Suzuki and the other offenders, and the handing over to them the proceeds of the sale of certain property found in the possession of the several parties connected with the promissory note.

Walsh, Hall & Co object to this disposition of their claim on the following grounds, viz.: Before delivering the Rice to the purchasers they took a special paint to ascertain that the business was bona-fide, demanding, in addition to the name

names and seals of Han officers, the name of a respectable merchant of Yokohama as further security.

Ishkawaya Matashin a man of some property, and a man of family long resident in Yokohama, gave his name as this further security after having gone to Yedo to the Yuki Yashuki and there ascertaining that the business was in order and done with the cognizance and for the benefit of the Han officials.

This merchant Ishkawaiya states this fact (of his having gone to Yedo and obtained this information) in his evidence before the Judicial Department, and his testimony is in no way contradicted or invalidated, and there is nothing to show that he acted in bad faith or was in anyway interested in assisting to defraud Walsh & Co although it is said that

the

the seal used by Suzuki Gensaku was simply a seal for use in Parliament, yet it is admitted that it is a genuine seal representing the Uki Han, and it is further admitted that when Suzuki was in office as Dai-sauge, he had a right to and did use this seal.

Walsh, Hall & Co had no means of knowing that any special form of seal was necessary when giving obligations involving a Han in money liabilities, and all they could do was to know that the seal given to them was genuine. This view is supported by the admission of Mr Terashima to Mr J. G. Walsh in presence of Mr Shepard then United States Charge d'Affaires in (?) last that claims had been recognized and paid by the Government when only the private seals of officers had been used, and in several cases where there were no seals of any kind.

If

If documents representing claims when supported by only the private seals of officers, or simply the names of Stan officers without seals can be recognized, it seems inequitable that with a seal of such importance as the seal used by Members of Parliament, that seal being acknowledged as genuine, the document bearing it should be pronounced invalid and worthless!

Besides the testimony of Ishkawaiya, after having made inquiries of the Yuki Satsuki in Yedo, that Sutuki was a proper officer of the Stan, Walsh, Hall & Co have the further evidence of the presence of Sutuki as an official in Yokohama. This evidence is of value because at that time (October, 1870) the old system of a guard house at Yokida bridge, at the entrance to Yokohama from Kanagawa, and through which all persons had to pass and give an

an account of themselves and their business in Yokohama was in use, and there can be no doubt that Suzuki and his friends had to pass their Examination.

Additional evidence of the bona-fide character of the men and their business is the fact that Watanabi and Suzuki were arrested some time before Walsh, Hall & Co made their claim, evidently at the instigation of the Ukishima and because of this business done in the name of the Shan. Suzuki's letters to Walsh, Hall & Co's Japanese Comprador (Japanese) show this. If Suzuki had simply imposed on and swindled Walsh, Hall & Co this action on the part of the Shan was superfluous and possibly prejudicial to Walsh, Hall & Co's interests, for it may have enabled them or their confederates to dispose of the property hurriedly and secretly.

The probability is that he was arrested

arrested at the request of the Aki
Han because of the mismanage=
ment of their business and to
save the Hitan from a loss
which then seemed inevitable,
and there are several inciden=
tal facts to support this view=
such as a hurried trial in
Yokohama, the severe Examina=
tion, imprisonment and torture
of Walsh, Hall & Co's Japanese Com=
pradore, Kumagai Janki, although
only a witness - the imprisonment
and untimely, if not suspicious,
death of Watanabi, a chief
actor in the business and
its manager - the disposal
and waste of some of the prop=
erty in riotous and reckless
living.

The statement of Suzuki himself to
the Judicial Department shows
that his object in obtaining
money from foreigners was
to do business in Yokohama

for

for the benefit of the Uki Stan.
His whole statement although
admitting wrong on his part, con-
vinces a desire to screen the
Stan even to his own disgrace.
There is no evidence that he
received any personal benefit
from the money obtained, and
much circumstantial evidence
that, if not not the Stan itself,
Stan officials did receive benefit.
It does not seem possible that
in any other way could so
important an amount of money
be disposed of in so short a
time.
While Walsh, Stall & Co have no desire
to press a claim absolutely void
of foundation, and are content
to accept such loss as belongs
to them through errors in
judgment or the misfortunes
or bad acts of their debtors,
they submit that the various
circumstances connected with

this

claim on the Ukis Stan, amongst them that of the change of the various Hans into Ken at about the time of this claim being presented which change suddenly disturbed and broke up a system of trading on the part of the Stan officials, which, whether legal or not, had long been tolerated and acknowledged by the Chiefs of the Hans entitle them to recover it from the Stan, or from its present representative the General Government.

The death of Watanabe, over which the testimony of Kumagai Itsukiro shows there was some rejoicing, is very unfortunate for there is little doubt that he could have given very important evidence.

Notes in re Walsh, Hall & Co's Wiltan.

(Continued.)

Amount of claim $23.220.

In the hands of the Govt. to be paid to Walsh, Hall & Co, as per statement — Rios 4.888.04/8

In the statement from the Judicial Department it is shown that the money obtained from the sale of the Rice bought from Walsh, Hall & Co was — $22.400 and that it was disposed of as follows:—

	Rios
For a house &c in Yokohama	2,325
Paid to W. H. & C. bargain money	$2,580
For presents to different persons	Rios 1,730
Deposit money on Tsuchi land	600
Paid to Matsuya Iseki (paid by him to Govt.)	1,990.50
Paid for furniture	230
House expenses, wages &c	480
On acct. of new godown	550
For tea purchased	8.000

over

For new house in Tochida
Shinden Rios 600.
For Expenses of Tsuita Yard. 30.0
Total $ 19.385.50
Unaccounted for 3.014.50
$ 22.400

Out of the above amount of $19.385.50, $2,580 were paid to Walsh, Hall & Co. and $2.510 were spent in presents, expenses &c., leaving $14.295.50 as invested in houses, tea, furniture &c. These houses furniture &c. were sold, according to the statement of the Judicial Department for the sum of $3.246.50 while the tea costing $8000 is not accounted for at all there being merely a note in the statement of the Judicial Department to the effect that it was known afterwards that this tea has been sold for Rios 3.500, no credit, however, being

being given for this amount or any part of it.
There is, therefore, on property costing $14.295.50 a loss of $11.049, the amount unaccounted for being $3.014.50, we have thus a total loss of $14.063.50.

From Judicial Department - Statement.

	Rios		Rios
House in Toko. & Expenses.	2.325	House in Toko. was sold for	280
Furniture in this house	230	Furniture	8.56
For new Godown on a/c	550	House & furniture in Tochida.	7.16
For expenses of timber shop	300	Sundries in timber shop	10.06
For tea	8.000	Tea produced nothing?	
The above being Cost of property bought.		This being amt. realized from sale of property.	

Ack 8 June

No 475.

Mr Berdan

U. S. Legation, Japan,

Sent to Publ
Dis May 26
Dis re 27 May

Tokei, 18 April, 1874.

Mr Bingham

to the

Hon. Secretary of State.

Subject.

Encloses the Official Bond of Consul Turner as Resident Mail Agent of the United States at Kobe.

Enclosure.

Mr Turners Official Bond.

9th April, 1874.

No 75.

U. S. Legation, Japan,
Tokei, 18 April, 1874.

Sir:

I have the honor to forward herewith, for transmission to the Honorable the Postmaster General, the official bond of Daniel Turner, United States Consul at Hiogo, as Resident Mail Agent of the United States at that place.

I am, Sir,
Your obedient servant,
Wm. A. Bingham

The Honorable,
The Secretary of State.

Ack'd 6 June

Copied

No 76. Mr Bingham

U. S. Legation, Japan.
Tokei, 22 April, 1874.

RECEIVED JUN 1874 STATE

FOREIGN Relations '74.

Mr Bingham
to the
Hon. Secretary of State.

Subject.

The Japanese Govt. preparing to send an expedition against the Aborigines of Formosa, and employing the P. M. S. S. "New York" to carry supplies &c., and three American citizens to assist, Mr Bingham protests (18 April) against such employment until the written consent of China shall have been obtained. The M. F. A. assures him under date of 19th April that no hostility to China is intended, and states the purpose of the expedition as above. Mr Bingham still protests and notifies Le Gendre, Cassel & Watson, the Americans employed, not to proceed until the consent of China shall have been obtained.

Enclosures.

Enclosures.

1. Mr Bingham to the Minister for Foreign Affs. 18 April, 1874.
2. The M. F. A. to Mr Bingham Apl 19/74.
3. Memorandum with above note of the Minister.
4. Mr Bingham to M. F. A. Apl. 19/74.
5. Proclamation of Sanjo, Prime Minister. April 17. 1874.

No 76.

U. S. Legation. Japan,
Tokei, 22 April, 1874.

Sir:

I have the honor to inform you that for some days during the past week there were rumors that the Government of Japan was about to send a military and naval expedition to Formosa for hostile purposes against the Island, and that an American ship, the "New York", belonging to the Pacific Mail Steam Ship Company, and three citizens of the United States, viz.: General C. W. LeGendre, Lieut. Commander Cassel and Mr. Watson, together with an English ship, the "Yorkshire", had been engaged by the Japanese Government to accompany the Expedition.

On the 18th instant I addressed

The Honorable,
The Secretary of State.

&c.

to the Minister for Foreign Affairs
1/76 a note (Enclosure No 1) and also
called upon him personally and
made enquiry about the truth of the rumour as to the em-
ployment of American ships and
citizens in such Expedition. In
this interview the Minister
said that it was not the
intent of Japan to commit a
hostile act against China or
any portion of the people of China
in Formosa, but simply to de-
mand of the aborigines of For-
mosa satisfaction for cruelties
inflicted by them upon Japanese
mariners wrecked upon the
coast of Formosa; and that to
effect this purpose the Govern-
ment was sending, with the
knowledge and consent of
China, a High Commission to
Formosa, under the protection
of an armed force, to attain
amicably from the aboriginal
chiefs a Convention, which
in

in future would prevent cruelty to shipwrecked Japanese seamen. Having insisted upon a definite and immediate reply to my note of the 18th instant, on the 19th I received a note from the Minister for Foreign
2/76 Affairs (Enclosure No 2) with accompanying Memorandum
1/76 (Enclosure [redacted] to enclosure 2) in which you will note that the Minister reiterates his verbal statement to me, that his Government is on the point of sending a High Commission to the aborigines of Formosa, and that troops accompany the Mission for protection; and that his Government is far from entertaining even the slightest intention of performing any hostile Act against China. This paper clearly disclosed the fact that the Expedition was about to proceed to

Formosa

Formosa, and take such measures
"upon inflicting fitting retribu-
"tion on the Formosans"; as
would enable the people of Jap-
an to hereafter navigate their
waters with safety &c., and
omitted any statement that this
was to be done with the
consent of China whose jurisdic-
tion over the island is admit-
ted in the Memorandum, and it
therein attempted to be excluded
from that portion of the island
occupied by "these savages" upon
the verbal reply of Tsung-lee-yamen
a year ago to the Japanese Am-
bassador that the country
of the Aborigines of Formosa
did not belong to China.
It seemed to me that this dec-
laration of the purpose of the
Expedition, to commit hostilities
against the Formosans, without
any satisfactory evidence of the
assent thereto of China whose

territory

territory and jurisdiction were to be invaded by the Expedition called for renewed protest on my part against Employing an American ships or citizens in such service. I immediately addressed to the Minister for Foreign Affairs a reply to his despatch of the 19th inst., (Enclosure 4) in which you will observe that I declare to him that I again protest against the employment of any ship or citizen of the United States in a military or naval Expedition against Formosa, until the written consent of China be first obtained in approval of the proposed Expedition to that island.

It is proper to say that I consider my power in this behalf is that to interfere in any proposed action of the Government

Government of Japan against the territory of China in Formosa, to be defined and limited by the Act of June 22, 1860, (Statutes at Large, Vol. 12, p. 72) entitled an Act to carry into effect the provisions of the Treaties between the United States, China &c. The 24th Section of this Act gives jurisdiction to the Minister on certain conditions, and declares that it shall be competent for the Minister in Japan to issue all manner of writs to prevent the citizens of the United States from enlisting in the military or naval service of either of said countries to make war upon any Foreign Power with whom the United States are at peace.

I have the honor to call your attention especially to the demand

demand in my despatch of the 19th instant to the Minister for Foreign Affairs, that the American citizens and ship employed by the Japanese Government in this Expedition be detained from proceeding to Formosa with the Expedition until the written consent of China thereto shall have been obtained. This demand is made upon the 24th Section of the Act cited, and, in my opinion, the written consent of China to the Expedition and its purposes being first had, I would have no authority under the law to press my demand upon the Japanese Government, for the prohibition of the Statute only restricts employment in the military or naval service of Japan &c to make war upon a Foreign Power, with

with which the United States are at peace. The consent of China being had to invade her territory in Formosa excludes the conclusion that such invasion could be an act of war upon any Foreign Power, China being the only Power in possession or claiming that island. Although no reply to my despatch of the 19th has been given, I have received verbal communications from the Minister for Foreign Affairs to the effect that the Expedition will not proceed to Formosa, nor to any other part of the Chinese Empire without the written and authenticated consent and approval of the Chinese Government thereto. I am also verbally informed by the Minister that the Proclamation (Enclosure 5/6) of Sanjo, Prime Minister, has been recalled.

I also deemed it my duty to place

place in the hands of the
Minister for Foreign Affairs
with my despatch of the 19th
inst. notices in writing to
Messrs Le Gendre, Cassell and
Watson, American citizens em=
ployed in this Expedition,
to the effect that they should
not proceed in this military
and naval Expedition to
Formosa until they have
received further official
orders and authority for
so doing. I was assured
yesterday by the Minister
that the notices to Messrs
Cassell and Watson were
delivered on the 19th inst.
and that the notice to Gen=
eral Le Gendre was forwarded
to that gentleman at Nag=
asaki where it would
reach him before he went
further."

Although the vessels of this
Expedition

Expedition have sailed from this port to Nagasaki, I feel justified from the assurances given me by the Minister for Foreign Affairs in asserting that no hostile act will be committed or attempted upon any Foreign Power, with which the United States are at peace.

It has been my desire faithfully to discharge my duty and to maintain the rights of the United States in the premises, and, in doing so, to avoid the appearance of any unwarranted interference with the rights which pertain to Japan as a sovereignty. I submit the matter to your consideration, hoping that my action thus far will meet your approval, and especially desiring, should any new exigency arise of which you may be apprised by

by telegram, that you will, if you deem it important, instruct me by telegram.

I am, Sir,

Your obedient servant,

Wm. A. Bingham

No 76 Enclosure 1.

Copy.

No 32.

U. S. Legation, Japan,
Tokei, 18 April, 1874.

Your Excellency:

For the first time I learn by an article in the "Japan Daily Herald" of the 17th instant, that the Japanese Epedition now being fitted out "comprehends within its "scope effecting a settlement on "and subsequently, if permitted, a "permanent occupation of the Eastern "side of the Island of Formosa."

It is also asserted in the same article that "American ships have "been employed to sail under "the American flag on what "must be regarded, in the "absence of the necessary au= "thoritative declarations, as a "semi= fillibustering Expedition, "and that Mr Bingham, the

American

H. E. Terashima Munenori,
&c. &c. &c.

"American Minister, has tacitly,
"if not Expressly, sanctioned such
"employment; and that "the
"American Government has so
"far sanctioned the Expedition as to
"grant leave to officers in its ser-
"vice to identify themselves with
"it," &c.

Inasmuch as these charges gravely imply that Your Excellency's Government is about to commit an act of war against China or a portion of her people, I beg leave to know whether any ships of the United States have been chartered under the authority of the Government of Japan to engage in a military Expedition against and hostile to Formosa, and whether any officers or citizens of the United States have been employed by the Government of Japan in such Expedition.

It is due to myself to say that I have at no time been consulted about employing American ships or

or officers for any such hostile purposes. I was assured by two American citizens, who were invited to take employment in Your Excellency's Government, that they were not to engage in hostilities against any Power whatever, and that no act hostile to China or any portion of her people thereof, or any other Power with which the United States is at peace was contemplated by Your Excellency's Government. It is due to my Government that I should know at once whether any such hostile purposes are entertained by Your Excellency's Government towards China or any portion of her people, or any other Power, as are attributed to it by the article I have cited, and I have the honor to request that Your Excellency will advise me without delay and definitely on

that

that subject.

Without assuming that any such purposes are entertained by the Japanese Government, I beg leave to say that it is my duty in the name of my Government to protest, as I do hereby protest, against the employment by Your Excellency's Government of any ship or any citizen of the United States in any military or naval expedition hostile to the Government or authority of China, or to any portion of her people, inasmuch as such employment is expressly forbidden and prohibited by the laws of the United States.

I am, with great respect,

Your Excellency's obedient servant,

(Signed) Jno. A. Bingham

No 76 Enclosure 2.

Translation.

Tokio the 19th 4th Month,
7th Year Meiji.

Your Excellency:

I have the honor to acknowledge the receipt of Your Excellency's despatch dated the 18th April, 1874, in which you state that you have learnt by an article in the "Japan Daily Herald" of the 17th instant published at Yokohama that a Japanese Expedition to Formosa "being now fitted out "comprehends "within its scope a permanent occupation

To H.E
John A. Bingham,
E.E. and M.P. of U.S.A. in Japan

"cupation of the Eastern side of the
"Island of Formosa" and that it is
also asserted in the same ar=
ticle that American ships have
been employed to sail, and
also that you have tacitly sanc=
tioned such employment, and
that your Government has
sanctioned to engage your
officers &c.

The foregoing article implies that
my Government is about to com=
mit an act of war against China
or a portion of her people. In the same des=
patch you express your anxious
desire to know at once whether
any ships of your country
have been chartered under the
authority of my Government to
engage

engage in such Expedition against
& hostile to Formosa, and whether
any such hostile purpose is entertain=
ed by my Government towards
China and any portion of the
people thereof. I beg leave in
reply to say that as I have de=
tailed to you in our last in=
terview, my Government is on
the point of sending a High
Commissioner to the aborigines
of Formosa, to take such proper
measures as will enable our
people - upon our inflicting
fitting retribution on the
Formosans, who have recently
pillaged and maltreated Coun=
trymen of ours cast away upon
their coasts - to hereafter =
navigate

navigate their waters with safety. As a precautionary measure, however, and in case they should threaten to oppose our mission, troops accompany the expedition to guard against any emergency or opposition. My Government is far from entertaining even the slightest intention of performing any hostile act against China.

Your Excellency will perceive from what precedes that the officers and ships of your nationality engaged in this service, are employed in a quiet and amicable undertaking and without any hostile intents.

For

For Your Excellency's further information I have the honor to enclose memorandum concerning the present Expedition to Formosa.

I am, with respect and consideration, Your Excellency's humble servant.

(Sgd.) Terashima Munenori,
H. I. J. M's Minister
for Foreign Affairs.

No 76 Enclosure 3.

Copy.

Memorandum concerning a High Commission about to leave Japan for Aboriginal Formosa accompanied by a force sufficient for its protection; to enquire into the circumstances of the murder of fifty four Japanese subjects there in December, 1871, and to take such steps as may be required to prevent the recurrence of such atrocities.

The cruel treatment of castaways by the inhabitants of Aboriginal Formosa has long been a subject of much solicitude to mariners and to the Government, whose duty it is to afford

them protection in their perilous avocations; and in more than one case Western powers have had to resort to act of war against these tribes to punish them for their crimes (a.) At least eighteen of the Southern tribes, under the chief Tanketok, being convinced they could not resist the power which experience had taught them could be

---

(a.) The Dutch sent an Expedition against the Bontans 1654. (See Relation de la prise de l'isle Formosa par les Chinois, le cinquiesme Juillet, 1661, traduite de l'Hollandois Paris, M. D. C. L X III" Pages 36 + 37.) H.B.M.S "Cormorant," Capt Broad, bombarded the Koalutk on the 26th of March, 1867. Admiral

Bell

brought to bear against them by England and America, made an agreement with the U.S. Consul for Amoy and Formosa in 1867 to protect castaways (a.) To this agreement they have ever since remained remark=

Bell landed a force of marines at Kewaliang Bay in June, 1867. (See Report of U.S. Secretary of Navy, 1867, pages 54 to 57.)

(a.) An effort was made at this time by the Consul to induce the Chinese to annex that portion of Aboriginal Formosa that lies south of Pong-lee. (See U.S. Diplomatic Correspondence for 1868/69 pages 505 to 510.) but the Central

ably faithful (a).

The eastern coast of Aboriginal Formosa being very little known, it was indispensable, in order to prosecute the work of pacification of the tribes north of Tauketok's dominions, to first thoroughly Explore it; and as this would have entailed

---

Government declined doing so. (See U.S. Commercial Relations for 1869, page 69.)

(a.) Wreck of Bashee plunders (?) Sept. 1869. (See Customs Gazette, published by order of Inspector General of Customs. Shanghai, Dec. 9th 1869. page 69.) Wreck of Elbe Horn in November 1869. (See Customs

considerable expense and labor, it was not followed up by any one until a circumstance occurred which has rendered it imperative for Japan to take an active part in this humane task. On the 11th of December, 1871, sixty six Japanese subjects were wrecked on the Eastern coast of Aboriginal Formosa, in about latitude 22° 18' N., and all except twelve, who made their escape, were murdered in

---

Gazette, quoted above, 17th Feby. 1870.)
Wreck of "London Castle" in July, 1871.
(See official manuscript narrative of the occurrence by Mr Pelham Warren of H.B.M. Consulate, Tokio.)

by the Bontans, one of the tribes of that region.

On the 8th March, 1873, four Japanese subjects were wrecked on the coast (Mabake) and all the cargo on board their junk and everything in their possession were robbed.

When our Ambassador went to Peking last year, and asked that an adequate punishment should be inflicted on these savages, the Tsung-li-yamen replied that their country did not belong to China. A reference to Chinese maps wherein, of all that was known of the Island of Formosa by the Dutch in 1635, only the Chinese possessions

therein, that is to say the northern and a portion of the western coast, were marked, convinced our Ambassador that not only was H. I. C. M. Government sincere in making this affirmation, but that it really had no desire to extend its sway over the island further than the natural boundary formed by the chain of mountains that separates Chinese from Aboriginal Formosa and stretches from Pong-lee to Sau-o Bay.

On the return of the Embassy to Yokei, orders were issued to make preparations for a

High Commission to be sent to Aboriginal Formosa to investigate the circumstances of the murder of our countrymen, and to take such other steps as may be found necessary to ensure the non-recurrence of such a tragedies there. These preparations being completed, the Commission is now about to leave Japan. It will be accompanied by a force, which, it is hoped, will give such emphasis to the words of persuasion which the High Commissioner is instructed to use toward the Bontans, as will compel them without effusion of blood to give satisfaction and

such assurances for
the future as Japan
has a right to demand.

No. 76. Enclosure 4.

Copy

No 33.

U. S. Legation, Japan.
Tokei, 19 April, 1874.

Your Excellency:

I have the honor to acknowledge the receipt of Your Excellency's despatch of this date in reply to mine of the 18th inst. relative to the employment by Your Excellency's Government of American ships and American citizens in an expedition to Formosa.

Your Excellency reiterates in this despatch the assurance given to me verbally in our interview of yesterday, that the Government of Japan is "far "from entertaining even the slightest

His Excellency,
Terashima Munenori,
H. I. J. M. Minister for Foreign Affs.

"slightest intention of performing
"any hostile act against China" and
that the officers and ships of the
United States engaged by Japan
in the proposed Expedition are
"employed in a quiet and amicable
"undertaking and without any hostile
"intent."

Upon careful consideration of Your
Excellency's despatch and its En-
closure, I am constrained to say
that I deem it my duty to again
protest against any ship or citizen
of the United States of America
being sent to Formosa by Your
Excellency's Government in con-
nection with a military and
naval force as proposed until
the written consent of China be
first obtained in approval of the
proposed expedition to that island.
Although Your Excellency's Government
may intend no hostile act by
sending out a High Commissioner to
the aborigines of Formosa under

the

the protection of an armed force, China may decide that such act is hostile to her Government within the territory of Formosa and may accordingly meet and resist it with force of arms. To avoid such a result, which would be most unfortunate for Japan, I cannot but say that Japan before approaching Formosa should obtain the written and authenticated consent of the Chinese Government to the Expedition proposed and its objects. This is surely in accordance with the custom and usage of nations. I have heretofore understood that the consent of China had been obtained, but am pained to say that I find no evidence of the fact in the despatch received by me.

I have further to request that the U.S. ship "New York" and the

the three citizens of the United States, to wit: General LeGendre, Lieut. Commander Colwell and Mr Watson, employed, as I am verbally informed, by Your Excellency's Government, be detained by Your Excellency's Government from proceeding to Formosa with this Expedition until the written consent of China thereto shall have been obtained by the Government of Japan.

I am, with great respect,
Your Excellency's obt. servant,
(signed) Jno. A. Bingham.

No 76. Enclosure 5.

Copy.

No 51.

It is hereby notified that during the 4th year of Meiji in the 11th Month (November 1871) some of the people of the Loochoo Province were wrecked on the Formosa Coast, and 54 of their number killed by the barbarians of Formosa.

Again during the 3rd Month of the 6th year (March, 1873) 4 people of the Oda District were wrecked there and were there maltreated.

During the visit of Tsuneomi Soyeshima as Ambassador to the Court of China to ratify the treaty during last year; he made reference to these matters, and was told that the barbarians referred to were in a part of that island which was not

under

under the Chinese jurisdiction.

As this island of Formosa is near to Japan, and such wrecks as described may occur again; it seems necessary for the protection of our commerce, that the people inhabiting these parts of Formosa should be restrained from committing such acts in the future.

And in pursuance of this determination Saigo as Chief, with a number of subordinates, has been dispatched thither, with instructions to investigate the proceeding matters and to institute such proceedings as shall guarantee safe conduct for our people in the future.

As it may be possible that these people may not pay proper regard to his mission,

and

and create a disturbance (warlike) a sufficient guard has been despatched with him."

April 17. 1874.

(signed.) Sanjo Saneyoshi
Daijo Daijin."

Copy to Treas 27 May M.T. Bidar
Ack 8 June

No 77.

U. S. Legation, Japan,
Tokei, 22 April, 1874.

Mr Bingham
to the
Hon Secretary of State.

Subject.
April Mea report of Hiogo
and Osaka.

Enclosure
Prices current of Teas.

No 477.

U. S. Legation, Japan,
Tokei, 22 April, 1874.

Sir:

I have the honor to transmit herewith an abstract of the prices current of teas at Hiogo and Osaka for the month ending April 16.

I am, Sir,

Your obedient servant,

Wm. H. Bishop

The Honorable,
The Secretary of State,
Washington, D.C.

No 77.

Enclosure 1.

Prices Current of Teas at Hiogo and Osaka for the month ending April 16th.

Grade	Price
Common	$18 and $25-
Good Common	27 . 30
Medium	31 . 33
Good Medium	34 . 38
Fine	40 . 45-
Finest	46 . 50
Choice	51
Choicest	

Prices are in Mexican dollars and per picul.

Acknd 6 June

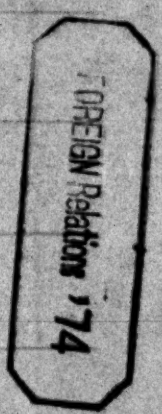
Copied

No 78.

Mr Bingham

U. S. Legation, Japan.

Tokei, 24 April, 1874.



Mr Bingham
to the
Hon. Secretary of State.

Subject.

With reference to proposed expedition of Japanese Govt. to Formosa. Reply of Minister for Foreign Affs. enclosed, to the effect that the American citizens connected with the Expedition and the P. M. S. S. "New York" shall be detached therefrom.

Enclosures.

1. Mr Terashima to Mr Bingham, April

April 22nd. 1874.

2. Mr Bingham's reply, April 23rd.

No 78.

U. S. Legation, Japan.
Tokei, 24 April, 1874.

Sir:

Since writing my dispatch No 76, of date the 22nd inst., in relation to the Expedition to Formosa, I have received the reply of the Minister for Foreign Affairs to my communication to him on the same subject dated the 19th instant, which reply, with my answer thereto 2/78 are herewith (Enclosures 1 and 2).

It is a pleasure to make mention of the prompt compliance

The Honorable,
The Secretary of State.

of the Japanese Government with my demand that neither the American ship "New York", nor the American citizens in the employment of the Japanese Government, should be permitted to proceed with the proposed armed expedition to Formosa without the written consent of China to the expedition. You will notice that this Government has sent orders forward to detach the "New York" and the citizens of the United States from the expedition, which orders, I am assured, will reach Nagasaki before the Ex-

pedition

sedition proceeds farther.
I am of opinion that the
Expedition will be abandoned;
but in case China should
expressly consent in writing
that the High Commissioner
of Japan under the protec-
tion of an armed force
may proceed to Formosa to
obtain from the aborigines
some security against any
future outrages upon
Japanese seamen wrecked
upon that coast, I do not
see that I have any author-
ity to forbid the employ-
ment for such purpose of
American citizens, inasmuch
as such service would

not

not be a making of war upon a Power with which the United States are at peace, nor indeed upon any Power."

I respectfully desire full instructions upon the subject, and beg leave to again express the hope that my action thus far may meet your approval.

I am, Sir,

Your obedient servant,

Wm. A. Burnham

No 78.

Enclosure 1.

Copy.

No 26.

The 22d of 4th Month
of 7th Year of Meiji.

Your Excellency:

I have the honor to acknowledge the receipt of Your Excellency's despatch No 33 of the 19th April, 1874, informing me of your non-approval of the proceeding to Formosa of three American citizens, to wit: General Le Gendre, Lieut. Commander Cassell and Mr Watson for the present affair, who were engaged in the service of the Japanese Government, and of the employment

H.E. John A. Bingham
E.E. &c &c M.P. of the
U.S.A.

employment of the United States Vessel "New York" as transport in the same service.

In reply I beg to say that in compliance with your request, instructions for the detachment of the above named citizens and vessel have already been forwarded to the proper authorities and that the necessary steps have also been taken to transmit with despatch your letters addressed to those gentlemen.

With respect and consideration,

(signed) Terashima Munenori,

H. I. J. M's Minister

for Foreign Affairs.

No 78.

Enclosure 2.

Copy.

No 35. U. S. Legation, Japan,
Tokei, 23 April, 1874.

Your Excellency:

It gives me pleasure to acknowledge the receipt of Your Excellency's despatch No 26, dated 22d instant, in reply to my despatch of the 19th instant in relation to the proposed Expedition by the Government of Japan to Formosa.

Your Excellency's Government have my thanks for so promptly recognizing the rights of the United States and ordering that neither the American

H.E. Terashima Munenori,
H. I. J. M. Minister
for Foreign Affairs.

American ship "New York", nor the American citizens named in my despatch shall proceed with the armed expedition to Formosa, but shall be detached from that service.

I beg leave to add that while it is not the desire of my Government to interfere in the relations of Japan with other Powers, the law of the United States declares that the citizens thereof shall not enlist in the military or naval service of any Foreign Power to make war upon any Power with which the United States are at peace.

I have every assurance that Your Excellency's Government will take care that this provision of American law shall be respected by all persons

in

in the service of Your
Excellency's Government.

I am, with great respect,
Your Excellency's obt. servant
(signed.) Jno. A. Bingham.

Mr Bingham
Ack'd July 3.

No 79.

U. S. Legation, Japan,
Tokei, 28 April, 1874.

Mr Bingham
to the
Hon. Secretary of State.

Subject.

Encloses letter from Minister for Foreign Affs., acknowledging receipt of copy of American Edition of the "International Signal Code".

Enclosure
Mr Terashima to Mr Bingham
7th April, 1874.

No 79.

U. S. Legation, Japan,
Tokei, 28 April, 1874.

Sir:

Referring to your Instruction of date the 17th February last, I have the honor to enclose herewith a copy of a note from the Minister for Foreign Affairs, acknowledging the receipt of the copy of the "International Signal Code published by the "Bureau of Navigation"

I am, Sir,

Your obedient servant,

Jno. A Bingham

The Honorable,
The Secretary of State.

No 79. Enclosure.

Copy

The 7th of the 4th month
of the 7th Year of Meiji.

Your Excellency:

I have the honor to
acknowledge the receipt of Your
Excellency's note of the 28th of
March, 1874, with a copy of the
American Edition of the Inter-
national Signal Code published
by the Bureau of Navigation,
transmitted through the
Honorable the Secretary of State
His Excellency,
John A. Bingham,
E. E. & M. P. of the
United States in Japan.

State, with the compliments of the Honorable the Secretary of the Navy of the United States, for the use of the Navy Department of our Government.

I will forward it to the Navy Department, and beg leave to express to Your Excellency our acknowledgments, and request that you will have the kindness to communicate this sentiment to the Honorable the Secretary of State by convenience.

With respect & consideration

(Signed.) Terashima Munenori,

H. I. J. M's Minister

for Foreign Affairs.

Mr Burdan
Ack July 3.

No 80.

U. S. Legation, Japan,
Tokei, 28 April, 1874.

Mr Bingham
to the
Hon. Secretary of State.

Subject.

Acknowledges receipt of Instructions Nos. 26 to 31 inclusive and Circular 53.

No 80

U. S. Legation, Japan,
Tokei, 28 April, 1874.

Sir:

I have the honor to ac-
knowledge the receipt of your
Instructions Nos 26, 27, 28, 29, 30
and 31, and of Circular No 53,
dated the 25th February last.

I am, Sir,
Your obedient servant,
Jno. A. Bingham

The Honorable
The Secretary of State
Washington, D. C.

Mr Osborn to acknowl. of Spanish action in
Receiving. 2 June 23
Act 26 June
Ans 2 July 15

No 81.

Mr Berdan

U. S. Legation, Japan,

Tokei, May 19, 1874.

Mr Bingham

to the

Hon. Secretary of State.

Subject.

Payment of rent on Bluff Lot 178.
Yok.; and surrender of the same.

Enclosures.

1. Receipt from Municipal Direct.
2. Receipt of Title Deed.
3. Memorandum of rents paid by
Paymaster Tolbert, U. S. N.
4. Reservation by Mr Benton of
right to present claim for one
year

year's rent.

5. Exchange voucher.

No 81.

U. S. Legation, Japan,
Tokei, May 19, 1874.

Sir:

In compliance with your Instruction No 23, dated 13th January, 1874, I have paid to Mr E. S. Benson, Municipal Director, the sum of Two hundred and seventy six 72/100 Mexican dollars, as rent due from the United States to Japan for Lot 178, Bluff. Yokohama, and have taken from Mr Benson his receipt in acknowledgment of the same, together with a release of the

276 72

The Honorable
The Secretary of State.

United

United States for any further liability for rent from and after the first day of June
1/81 next. A duplicate of the receipt is herewith.

As instructed I released the possession of these premises from and after the 1st June next, and surrendered to Mr Benson the Title Deeds, taking therefor a receipt as per
2/81 Enclosure 2.

I think it proper to advise you that in making this settlement I obtained from Mr Benson a
3/81 written statement, (Enclosure 3) to the effect that Paymaster Torbet, U.S.N., on the 3d of July,
$530.38 1871, paid Five hundred and

thirty

thirty 38/100 dollars for three years and ten months' rent on Bluff Lot 178, to-wit: from 1st August, 1867, to 1st June, 1871. You will observe that this payment includes of the period named in your Instructions, the time from 1st August, 1868, to 1st June, 1871.

I have the honor to remark further that Mr Benson still claims that there is one year's rent not covered by this payment, viz.: from 1st June, 1871, to 1st June, 1872; and states in writing that he reserves the right to present this claim to the State Department,

to

to which I assented on the express condition that nothing in his statement should impair the settlement made on the 16th instant with me.

4/81. me. A copy of the statement is enclosed.

As authorized by your Instruction, I have drawn upon the Department for the amount that paid by me to the Municipal Director ($276.72), through Messrs. E. Fischer & Co. Yokohama, the Exchange voucher for

5/81. which amount is herewith.

I am, Sir,

Your obedient servant,

Wm. A. Pryhurn

(Duplicate.)

Municipal Office
Yokohama 16th May 1874

In consideration of the sum of Two hundred and seventy six 72/100 Mexican dollars ($276 72/100) to me paid as Municipal Director of Yokohama by the United States of America by H. E. John A. Bingham United States Minister, I do hereby acknowledge the same in full payment of two years rent, viz; from 1st June 1872 up to and including 1st June 1874 upon Bluff Lot No 178 Yokohama

The United States by its Minister aforesaid having agreed that the lease of said Lot No 178 dated 12 October 1872 shall cease and determine from and after the 1st day of June next I do hereby as such Municipal Director release the Government of the United States from any further liability for rent on said Lot after the 1st June 1874

In testimony whereof I have hereunto set my hand and affixed my seal as Municipal Director this sixteenth day of May 1874

C. Brunton
Municipal Director

No 81. Enclosure 2

Copy.

Municipal Office, Yokohama,
16th May, 1874.

Received from H.E John A. Bingham Minister of the United States the original Title Deed for Bluff Lot No 178, this day surrendered by him to the Japanese Government.

(Signed) E. S. Benson,
Municipal Director.

No 81. Enclosure 3

Copy.

Bluff Lot No 178.

On the 3rd July, 1871 Paymaster Torbert, U. S. Navy, paid to a Japanese Land Officer at Yokohama Five hundred thirty 30/100 ($530 30/100) for three years and ten months' rent, viz.: from 1 August, 1867 to 1 June, 1871.

Yearly rent $138 36/100.

No 81. Enclosure 4.

Copy

Municipal Office, Yokohama,
Japan,
16th, May, 1874.

Upon payment of rent on behalf of the United States for Lot No 178 Bluff, Yokohama, I made known to H.E John A. Bingham United States Minister that the Japanese Government claim one years additional rent on said Lot, viz.: from 1 June 1871 to 1 June, 1872, amounting to one hundred thirty eight 36/100 Mexican dollars; and that on behalf of the Government of Japan I reserved their right to present said claim

to

to the State Department of the United States of America.

(Sgd.) E. S. Benson,
Municipal Director.

I assent to the above statement without impairing the effect of the settlement this day made, as per receipt of Mr. Benson, dated 16th May, 1874.

(Sgd.) Jno. A. Bingham
E. E. & M. P. of the U.S.A.
in Japan.

No 81. Enclosure.

Exchange Voucher.

I, the undersigned, Minister of the United States at Yedo, Japan, do hereby certify that I have this day sold my draft for rent upon Bluff Lot 178, Yokohama, for $276 72/100, to Messrs E. Fischer & C. & have received from them therefor $262 88/100, the difference between which sum & the amount of said draft, viz.: $13 84/100 being the loss actually & necessarily sustained by me in the negotiation & sale of the same.

And I do further certify that the said Messrs E. Fischer & C. who have signed the following certificate are bankers, residing and doing business

business as such at Yokohama
Japan.

Jno A. Bingham
U. S. Minister

We, the undersigned, do hereby certify that we have this day purchased from John A. Bingham, U.S. Minister, his draft dated 7 May, 1874 for the sum of $276 72, and have paid him therefor the sum of $262 88, the same being the net proceeds of said draft after deducting the current rate of exchange between this place & New York

per centum to the dollar

upon

upon its face, and as set forth in the following statement, viz.:

Date of Draft 7 May 1874
Amount $ 276.72
Cost of negotiation $ 13.84
Nut proceeds $ 262.88

Drawn on the Honorable the Secretary of State for payment of rent on Bluff Lot. 178, Yokohama, as per special instructions.

Edward Fischer & Co

Yokohama, Japan
May 2[illegible], 1874.

Ack July 3.

Ack
July 3

No 82

Mr Bingham.

U. S. Legation, Japan,
Tokei, 19 May, 1874.

Mr Bingham
to the
Hon. Secretary of State.

Subject.

U.S. Charge at Peking writes that the Chinese Govt. disclaim having given any permission to the Japanese to go to Formosa. Mr Bingham informs Terashima of this, and is assured that no landing will be made on Formosa without consent of China. Three ships have gone from Amoy to Formosa.

Le Gendre returns to Yedo.

Enclosure.

No 82.

U. S. Legation, Japan,
Tokei, 19 May, 1874.

Sir:

I have the honor to inform you that on the 17th instant I received from S. Wells Williams, Esq., United States Charge d'Affaires (a.i.) at Peking, a communication, in which he informs me that the Chinese Authorities declare that no consent was given, verbally or otherwise, as is alleged by Le Gendre and others, to Soyeshima for Japan to invade Formosa with an armed force. I have this morning

The Honorable
The Secretary of State

morning verbally acquainted the Minister for Foreign Affairs of this, and have been assured by him, verbally, that although three of the Japanese ships have sailed from Amoy to Formosa they have gone under instructions not to attempt to land on that island if China objects, and in that event to return to Japan.

General Le Gendre did not go with these ships but has returned to Yedo. He called on me yesterday, and, among other things, insisted that the Act of June 1860, (XII Stats. at Large p 72.) under which I had notified him not to proceed to Formosa with an armed Expedition

pedition hostile to China, it unconstitutional. I said to him that I was of a different opinion, and that I did not consider that I had any color of authority to pronounce upon the constitutionality of that or any other Act of Congress, nor had any citizen of the United States the right to disregard its requirements or to attempt to suspend its execution.

I am of opinion that Japan will so manage this seemingly unwise adventure to Formosa as to avoid any serious difficulty with China.

I may add that the Minister

Minister for Foreign Affairs further informed me that the three vessels before alluded to, sailed to Amoy under instructions to confer there with the Chinese Governor, and, having done so, departed for Formosa with the orders hereinbefore referred to.

I am, Sir,

Your obedient servant,

Jno. A. Bingham

P. S. I enclose herewith a copy of the letter referred to written to me by Mr Williams.

Jno. A. Bingham

No 82. Enclosure.

Copy.

Legation of the United States,
Peking, April 24th, 1874.

His Excellency
John A. Bingham,
&c. &c. &c, Yedo.

Sir:

The reception of a telegram from Gen. Legendre, dated Nagasaki April 19th, leads me to write to you what the Chinese officials are doing. His telegram says "Don't allow Formosan matters to "be so misrepresented by interested "parties as to change friendly feelings "between China and Japan", and, evidently, presupposes a fuller knowledge of Formosan matters than I have yet received. I have no information as to the position Gen. Legendre holds under the Japanese Government, nor idea as to the motives that lead him

him to send this communication (to which I made no reply;) yet it seems proper to let you know of it. Taking its topic and its author and all the circumstances together, it is a curious thing on his part. The first notice which we had here of the designs of the Japanese was in a telegram from Sir Harry Parkes, the purport of which Mr Wade made known to the Foreign Office about a fortnight since. Full verbal Explanations were also made, so as to put the authorities on their guard. In reply to his note, Mr Wade has received the following, of which he has given me the Chinese text:—

"When the Japanese Minister
"Soyesima was in Peking last year
"he never consulted with the mem=
"bers of the Foreign Office in rela=
"tion to taking troops to Formosa,
"and landing them on the east
"side of that island to chastise

the

"the aborigines; nor have we
"received any despatches from
"him] giving the reason why
"Japan is mustering her forces.
"But all aboriginal tribes, which,
"like these unsubdued people, are
"included within the territory
"of China, are within her ju=
"risdiction. Altho' we do not
"attempt to interfere with their
"peculiar usages; or bring them
"under the strict restraint of
"our laws, still the regions they
"occupy all form a part of the
"Middle Kingdom. All this is
"doubtless fully known to H.E.
"and we shall be obliged if you
"will dissent it in your reply
"to Sir Harry Parkes, so that he
"may know our sentiments"in

With this characteristic reply these officials receive the announcement of a threatened descent upon their borders, and apparently expect,

that

that other nations are to do what is necessary to ward it off. China keeps herself so isolated that she is of course exposed to be taken unawares by a hostile force; but in this case one is drawn more to the other party to guess what motives stimulate her to such a measure. We hear that she intends to make a settlement in the southern end of Formosa; but as the circumstances of the maltreatment of the Lewchewans by the natives thereabouts, are not clearly known, it is not easy to decide as to the provocation. It is not to be expected that China will quietly permit a colony of Japanese to take possession of the district, or that the natives on the Eastern shore will welcome new masters, even if they do not cordially regard their present ones. I might

suppose

suppose a case of a British vessel caught in a harbor of Alaska, and the crew killed and ship plundered by the Indians; and the Government at Washington might find it difficult to punish the perpetrators of the outrage. But it would resist and resent the assumption that the act was an Excuse and a reason for the British sending a force to seize and settle the locality in order to prevent a recurrence of such attacks. The present case seems to be similar in principle to this supposed case, and has one feature that is not found in that. Japan has just now included the Lewchewan and Moadjicomma Islands within her jurisdiction; and, so far as I am aware, the nature and reality of her authority over them is not well

well known, nor fully acknowledged by other nations. The United States has a compact with the Government of Shudi by which the latter agreed among other things, to assist in saving life and property of American vessels wrecked on the Islands. In case they were recreant to this obligation and lives and property under our flag were destroyed by the people of Lew Chew, would we not visit Napa first to require redress, instead of going to Yedo directly? On this point there may have been some later negotiations, of which I have no knowledge. Yet while the Lew Chewan Envoys are still received at Peking, it is hardly a *casus belli* on the part of Japan, and seems stretching a point for her to take up this attack on these shipwrecked countrymen until they have done

done something. Where the parties are all so ignorant of many points in what we call the Law of Nations, I would not carry this analogy farther than it will bear; but these two great kingdoms of Eastern Asia are being taught by the Occidental Powers the nature of the rights and obligations which they have taken upon themselves in their treaties. It is a slow process, however, and some of the lessons must be sharp; but in this case, Japan has, it seems to me, thought rather more of her rights than of her obligations toward her neighbor. — at least this is my inference from the little we yet know.

I have no idea to whom Genl. Legendre refers as "interested parties", and it indicates considerable confidence in their cause, if the Japanese Con-

clude

clude that these warlike move-
ments will have no effect
on the friendly relations
between them and China. I
suppose that much of this
movement owes its stimulus
to the former Consul at Amoy,
and that his knowledge of the
region in Southern Formosa
is to guide its operations
to some extent.

It is not worth
while to speculate as to the
direct and indirect results
of such an occupation of Chinese
territory, upon the two leading
parties themselves, or upon
foreign nations trading in
these seas, for the data are
not yet well enough known,
but I do not see how the
latter can altogether keep out
of the matter, if it eventuate
in hostilities.

Mr Wade has,

I

I believe, informed Sir H. Parkes of all he has learned; and as the latter would probably inform his colleagues and the Japanese officials of it, I had not thought of repeating the same things to you, until this telegram came. I hear that the Japanese minister is likely ere long to come to Peking, and then we shall learn particulars.

With great respect, I am
Your Excellency's
Obedient Servant,
(Signed) S. Wells Williams

No 2 acknd June 23 Ack July 3. Copied

No 83. Mr Bingham

U. S. Legation, Japan,
Tokei, 19 May, 1874.

DEPT OF STATE RECEIVED JUN 23 1874

Mr Bingham
to the
Hon. Secretary of State.

FOREIGN Relations '74

Subject.

On application by Mr Bingham, permission is given to Comdr. Belknap, U.S.S. "Tuscarora", to visit South-East coast of Japan, with a view to ascertaining a suitable spot for the landing of a submarine cable.

No 83.

U. S. Legation, Japan,
Tokei, 19 May, 1874.

Sir:

At the request of Commander Geo. E. Belknap, commanding the U. S. S. "Tuscarora", now in port at Yokohama, I addressed to His Excellency the Minister for Foreign Affairs, on the 5th inst., a note informing him that Commander Belknap was instructed by the Honorable the Secretary of the Navy to examine and ascertain a place on the coast of Japan suitable

The Honorable
The Secretary of State

suitable for landing a submarine cable, and to that end to obtain permission of this Government.

The Minister kindly and promptly granted this request and so informed me. This day he sent to me a full permit authorizing Commander Belknap to enter any port in Japan, obtain supplies, make the examination &c., and also assigned to him from the Foreign Office an interpreter. I am also informed by the Minister that he has issued orders to the local authorities to extend to Commander Belknap due courtesy, and to afford him every facility for his work.

I am, Sir, Your obt. servant,

Wm. A. Pinghams

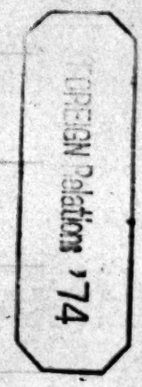
R

Acknowledges & refers to Amoy July 3 Cipher
Instructions No 35

No 84.

Mr Bingham

U. S. Legation, Japan,
Tokei, 20 May, 1874.



Mr Bingham
to the
Hon. Secretary of State.

Subject.

Sir H. S. Parkes informs Mr Bingham that he holds another instalment of the Simonoseki Indemnity to the credit of the U.S. Mr Bingham refuses to receive it. He requests instructions.

No 84.

U. S. Legation, Japan.
Tokei, 20 May, 1874.

Sir:

On the 4th instant I received from Sir Harry S. Parkes a despatch in which, referring to his despatch of the 23rd February last, of which I acquainted you, he informs me of the receipt by him of another instalment of the Simonoseki Indemnity, of which, as he states by the agreement of Paris, he "holds on your (my) "account a second sum of "Five

The Honorable
The Secretary of State.

"Five thousand eight hundred
$5833.33 "and thirty three 33/100 dollars."
I have replied that, as at
present advised, I have no
suggestions to make touching
the matter of the indemnity of which he
speaks.

It may be proper to
say that Mr Wooyeno, or
the Assistant Minister of
Foreign Affairs, has told me
verbally, (when speaking of the
instalment of February last)
that no part of it was paid
on account of the United
States.

Be that as it may, it
has seemed to me under
your Instruction No 19,
dated

dated 8th January last, not advisable for me to receive money on this account from the English Minister, in the absence of any demand by our Government for its payment. Having advised you of a like sum tendered by Sir Harry Parkes in February, I may add that in the absence of instructions from the Department to receive it from him, I did not feel authorized to do so.

I respectfully await your instructions, and beg leave to suggest that it seems to me that until

our

our Government is ready to demand and receive all the unpaid balance of this indemnity, it would be better not to receive small amounts of it as demanded and received from time to time by the English Ministers.

I am, Sir,

Your obedient servant,

Jno. A. Bingham

Mr Burlingame
Ack. July 3

No 86.

U. S. Legation, Japan.
Tokei, May 29, 1874.

Mr Bingham
to the
Hon Secretary of State

Subject.

Receipt of Instructions 32 to 38, inclusive, "Congressional "Record" and copies of "Foreign "Relations".

No 85.

U. S. Legation, Japan.
Tokei, May 29, 1874.

Sir:

Instructions numbered 32, 33, 34, 35, 36, 37 and 38 have been received.

I have the honor to thank you for the copies of the "Congressional Record" forwarded, which were duly received, as were the sixteen volumes of the "Foreign Relations of the United States, "for 1873."

I am, Sir, Your obt. servant,

Wm. A. Burlingame

The Honorable
The Secretary of State.

Mr O'Connor to June 27 File 06

No 86.

U. S. Legation, Japan,
Tokei, May 29, 1874.

Mr Bingham.
to the
Hon. Secretary of State.

Subject.

The lease of premises in Yedo for Court House and Jail. Encloses Contract of lease, amended according to Instruction No 38. See p 145 of record

This lease as amended is in accordance with suggestions of the Secretary and in my opinion complies with the requirements of the provisions of the 2d sect of the act of March 3. 1873 (17th Stats 3-82) in pursuance of which the contract was made July 29/74 Henry O'Connor holder

No 86.

U. S. Legation, Japan,
Tokei, May 29, 1874.

Sir:

I have the honor to acknowledge the receipt of your Instruction No 38, dated the 22nd ultimo, in relation to the lease of buildings at Yedo from J. M. Batchelder.

I drew this lease with your Instruction of the 18th December last before me, in which you reply to my unofficial communication of the 7th October, 1873, with reference

The Honorable

The Secretary of State.

to the leasing of buildings and grounds for the use and occupancy of this Legation.

In the latter communication you instructed me that if I still entertained the opinion expressed in my letter of the 7th of October, that the building and grounds in question are suitable for the purposes of the Legation and that the terms proposed by Mr. Batcheldor are the most advantageous that can be secured by the United States and should so inform the Department officially, I would then, should no intervening circumstance render a different

ferent course necessary, be
authorized by the Department
to conclude the proposed
contract with Mr Batchel-
der on the terms named
in my letter of the 7th
October. That letter con-
tained a copy of Mr
Batchelder's proposition
offering the same premises, with
the buildings thereon, together
with a new building to be
erected by him for Court
House, Jail and Secretary's
Office, to be leased for
the period of two years,
with the privilege of a
further term of two years,
for the sum of $3700 per an-
num

to be paid by the United States and
sum, with a further sum of
$800 per annum to be paid by
me, making a total of $4500
per annum, &c.

I inferred from
your Instruction of the 18th
December, as above quoted,
that you fully approved
the terms proposed by Mr
Batchelder, and in the
event that I should officially
notify you that I deemed
the terms the most advan-
tageous that could be secured
by the United States, I would
be fully authorized by the
Department (unless some
circumstance intervened
to prevent) to conclude
the

the proposed Contract with Mr Batchelder for two years, with a renewal for two years on the terms stated in my letter of the 7th October. It appeared to me very clear that the 3rd Section of the Act, although it uses the words "renewals", meant only that the contract should be fixed for two years, with the right of renewal for two years at the Secretary of State might determine. I used the term "for Legation "purposes", because I supposed it was approved by your Instruction of the 18th December. It is equally clear to

my

my mind that the contract as proposed to be changed in accordance with your Instruction, No 38, will be valid under the Statute, inasmuch as the two renewals suggested therein depend exclusively upon the election of the Secretary of State as provided by the Statute, to which the lessor expressly agrees in his contract. I have endeavored to follow your instructions, and have, with Mr Batchelder, changed the contract so as to conform it thereto.

You will notice that I have fixed the

term

term for the completion of the new building at ninety days, for although the building is well advanced, owing to continued rains, it was impossible to complete it within the time first named (sixty days). In the meantime I occupy the residue of the property for Legation purposes.

You will also observe that the new building being erected is forty feet square, with four rooms, instead of a building with but three rooms, as first proposed by Mr Batchelder, making the

the new building larger
than was originally in-
tended by one large room.
I respectfully repeat my
former statement, that I
consider the terms proposed
by the contract herewith
the most advantageous
that can be obtained by
the United States, and
that there is thereby secured to
the United States "suitable
"buildings for a Court House
"and Jail, with grounds
"appurtenant in Leds" at
$1300 less per annum than
the amount authorized
by law to be expended for
that purpose. It is very
apparent

apparent to me that the contract as proposed is an equal saving to the United States as to myself, and that it is within the spirit and meaning of the Act of March 3, 1873, as you manifestly construed it in your Instruction of the 18th of December. It is very difficult to find such a property as this will be when completed anywhere in Japan, and it is unusual for Foreign Governments to obtain such property here upon terms so reasonable. I have before stated what I believe to be the fact, that the

the French Legation, not at all equal to this (when completed) in its appointments, is obtained at a rental of $900 per annum. It is not improper for me to add that but for the inducement to this contract paid and agreed to be paid by me to Mr Batchelder, viz.: $1050 for the current year, and at the rate of $800 per annum thereafter for such period as I may occupy any portion of the premises, the contract would not have been made, and, in my opinion, ought not in justice to him

him to have been made.

I hope that the contract, having been changed as suggested, may meet your approval, calling to your attention, however, to the fact mentioned by me in my despatch No 58, viz. that I secure the property for the use of the United States notwithstanding my separate contract with Mr Batchelder, which in no wise charges the United States or interferes with their right to occupy the premises in conformity with the terms of the lease.

I

I am, Sir,

Your obedient servant,

M. A Bingham

Lease of Premises in Yedo Japan, for the use of the United States as Court House and Jail.

J. M. Batchelder, a citizen of the United States now resident in Japan, hereby leases for the purpose of a Court House and Jail to the United States of America for the term of two years from and after the 15th day of March, A.D. 1874, with the right hereby secured to the said United States of America to make two renewals of this lease of two years each, as the Secretary of State shall determine, the premises hereinafter described

described, and upon the terms and conditions herein stated.

The premises hereby leased are described as follows, to-wit:

Lots Numbers One and Two in the Foreign Concession in the City of Yedo, fronting on the Bay of Yedo two hundred and forty six (246) feet; thence westwardly along Akasheio Street at right angles to the line fronting on the Bay about one hundred and fifty (150) feet; thence northwardly to Lots numbered Twenty and Three respectively, in said Concession about One hundred and

seventy (170) feet; thence eastwardly along the line of said Lot No Three one hundred and eighty five (185) feet to said first mentioned line, making in all about Thirty five thousand (35.000) square feet of land.

Said Batchelder further covenants and agrees to secure the possession and occupancy of said premises with the buildings thereon to John A. Bingham for the use of the United States of America and for the purpose aforesaid from and after said 15th day of March, 1874, and to erect and complete thereon an additional brick building

forty

forty feet square within ninety (90) days from the date hereof, to be finished in a substantial and workmanlike manner at the cost of said lessor, and to contain four (4) rooms with open brick fireplaces in each, which new building, together with the other buildings on said premises, the said Batchelder agrees to paint upon possession given, and to keep the same together with the premises hereby leased, including the fences, in good repair during the term for which the same shall be occupied by the United

States

States of America under this Contract.

Said Batchelder further covenants that he will keep said premises free from all tax and rent charges during said term, or terms of lease, and assure to the United States of America the uninterrupted & full possession of said premises & buildings during said terms respectively, and upon the renewals of said lease, as hereinbefore provided, shall repaint & said buildings and fences at the commencement of each term of renewal as aforesaid.

In

In Consideration whereof the United States of America will pay to said J. M. Batchelder as rent for said premises, at the end of each and every year of the term aforesaid beginning commencing on the 15th day of March, 1874, and at the End of each and every year thereafter that said premises shall be occupied by the United States of America under the renewals of said lease hereinbefore provided for, at the rate of Three thousand seven hundred (3700) dollars per annum.

But it is hereby agreed that if from any cause the United States

States of America shall at any time during said term or terms be deprived of the full possession of said premises and buildings or the United States shall in that event pay at rentals for said premises only, at the rate of $3700 per annum, for the time that the United States of America shall actually so possess and enjoy the same with the buildings, and upon such deprivation this lease shall determine.

In Witness Whereof the said J. M. Batchelder for himself, and the said John A. Bingham for and on behalf of the United States

8

of America have hereunto set their hands and seals at Yokohama, Japan, this 23rd day of February, 1874.

J. M. Batcheldor (Seal)

Jno. A. Bingham

U. S. Minister

Copy to Sec'y of Interior
Ltr. to Supt
Engr.

Dis 30
July 10

No 87.

McRath.

U. S. Legation, Japan,
Tokei, June 2, 1874.

Mr Bingham
to the
Hon. Secretary of State.

Subject.

Encloses correspondence between himself and the Minister F. A. on subject of Centennial Exhibition. &c.

Enclosures.

1. Mr Bingham to the M. F. A. Apl 20/74.
2. The M. F. A. to Mr Bingham May 25/74.

No 87.

U. S. Legation, Japan,
Tokei, June 2, 1874.

Sir:

Referring to your Circular No 48, enclosing a letter from the Director General of the United States Centennial Exhibition, Mr Goshorn, (received 14 Dec/73.) I have the honor to say that after verbally making known to the Foreign Office of this Government the substance of those communications, as directed by you, I addressed to the

The Honorable,
The Secretary of State.

the Minister for Foreign Affairs, on the 20th April last, a note upon the subject (Enclosure No 1.) In reply to this, I received from the Minister, on the 25th ultimo, a letter (Enclosure No 2,) expressing the purpose of this Government to bring the proposed International Exhibition to the knowledge of the subjects of Japan, and adding that it is probable that a Special Mission will be sent from Japan to cooperate in the celebration of American Independence in token of the friendship of this Empire for the United States.

1/87

2/87

H

He also informed me that a National Commission from Japan will be appointed in accordance with the request of the Centennial Commission.

I deferred writing to the Foreign Office, awaiting the action of Congress with reference to the special message of the President on the subject.

I am, Sir,

Your obedient servant,

Wm. A. Rheyhart

No 87.

Enclosure No 1.

Copy.

No 34. U. S. Legation, Japan,
Tokei, 20 April, 1874.

Sir

Your Excellency:

I have the honor to inform you that on the 4th day of July, 1876, there will be opened in the city of Philadelphia in the State of Pennsylvania an International Exhibition in connection with the celebration, at the same time and place, of the centennial anniversary of American Independence, and that the President of the United States by his Proclamation of the 3d June July last commends the Celebration and Exhibition to all countries who may be pleased to take part therein. It is proper that I should acquaint

Your

H.E. Terashima Munenori,
H.I.J.M. Minister for Foreign Affs.

Your Excellency with the fact that the President has not invited Foreign Powers to participate in the Exhibition and Celebration, only because he was not authorized to Extend such invitation, but I am authorized to say that the President hopes that Foreign Powers will take interest and cooperate in the Exhibition and Celebration.

I beg leave also to make known to Y. E. that the United States Centennial Commission is charged with the general direction of the Exhibition, and desire that a National Commission may be appointed by Y. E's Govt. as soon as possible and put in communication with A. T. Goshorn, Esq., the Director General of the United States Centennial Commission, No 904. Walnut Street, Philadelphia, Pennsylvania. I am requested by

by the United States Commission to say that it is greatly desired that this National Commission may be appointed by the Govt. of Japan and give to Mr Goschorn early information as to the amount of space which will probably be required by the Exhibits from Japan in the Industrial Building, the Art Building and the Park.

If it is the pleasure of Y. Ex'y Govt., as I hope it is, to participate in this Exhibition and Celebration, Y. E. will please make known to the Govt. of Japan that the appointment of a National Commission for Japan, and an early official announcement thereof, is desired by the American Commission.

I am, with great respect.
Y. Ex'y obedient servant.
(Sgd.) Jno. A. Bingham,

No 87.

Enclosure No 2.

Copy of Translation.

The 25th of the 5th Month,
the 7th Year Meiji.
[May 25th 1874]

Your Excellency:

I have the honor to acknowledge the receipt of Y. Ex'ls despatch No 34, dated the 20th April, and informing me that on the 4th day of July, 1876, there will be opened in the city of Philadelphia, in the State of Pennsylvania, an International Exhibition, in connection with the celebration, at the same time and place of the Centennial Anniversary of American Independence, and that H.E. the President of the United

H.E. J. A. Bingham,
Envoy Ext. Min. Plen.
of the U.S.A.

United States by his Proclamation issued in July last, commends, etc.

I beg leave in reply to say, that the Japanese Government will take great satisfaction in making known among its subjects that an International Exhibition is to be opened in the United States, and that those who desire to exhibit Japanese productions, manufactures &c. will receive from the Government every assistance and convenience for that purpose.

I beg leave to add that a National Commission for Japan will be appointed after it has been ascertained what Extent of articles there is to be sent from Japan and I will then consult with H. E. upon any point that may arise.

Furthermore

Furthermore, it is probable that a special mission will be sent from Japan to cooperate in the Celebration of American Independence and to bear a token of our friendship for the United States. Should this not occur, the duty of such a mission will be entrusted to the Japanese Minister in your country. I.E. will please communicate the above to the proper authorities of your country.

With respect & Consideration,

(Sgd.) Terashima Munenori,

H.I.J.M.

Minister for Foreign Affs.

Ack July 20 19 Dpts Answd July 20.

No 88. Mr Platt.

U. S. Legation, Japan,
Tokei, June 3, 1874.

RECEIVED JUL 6 1874 DEPT. OF STATE.

Mr Bingham
to the
Hon. Secretary of State.

FOREIGN Relations '74

Subject.

A. C. Dunn, a citizen of the United States, is refused process for witnesses in a suit in a Japanese Court. The refusal is deemed a breach of 6th art of Treaty of 1858, but the claim being private, instructions are asked.

Enclosure.

Mr Dickins to Mr Bingham, May 28/74.

No 88.

U. S. Legation, Japan,
Tokei, June 3, 1874.

Sir:

As will appear by the
enclosure herewith, addressed
to me by Mr Dickins, at
counsel, A. C. Dunn, a citizen
of the United States, has
instituted suit for breach
of contract against certain
Japanese subjects in a Japan-
ese tribunal, which suit
is still pending. It further
appears from this letter
that the Japanese Court
The Honorable having
Secretary of State.

1/88

having jurisdiction of the case, refuses to Mr Dunn, the plaintiff, process to compel the attendance of his witnesses. It would seem that this refusal is in flagrant disregard of Article 6 of the Treaty of 1858, which provides that the Japanese Courts shall be open to American citizens for the recovery of their just claims against the Japanese. When it is considered that the limits to travel to foreigners are defined and restricted under the treaty, this refusal of the Court to issue and execute process, Especially outside

of

of the Concession to foreigners, might be called a denial of justice.

Inasmuch as this is a private contest, over which I have no official jurisdiction, I have thought it best, before taking any action with the Government, to ask your instructions for the government of my course not only in this, but also in all other like cases that may arise.

I am, Sir,

Your obedient servant,

M. A. Bingham

No 88.

Enclosure

Yokohama, May 30, 1874.

The Hon. Judge Bingham,
U. S. Minister at Japan,
Sir:

I beg to apply for your assistance on behalf of an American citizen, Mr Dunn, under the following circumstances. Mr Dunn is plaintiff in an action now being heard in the Tokiji Saibansho brought by him against the Japanese Petroleum Company for wrongful dismissal from his employ in their service as Chief Engineer. The case was part heard on adjournment yesterday. As Mr Dunn's counsel, I applied to the Court to summon two Japanese witnesses to appear to give evidence for him. These witnesses had expressed

a

a disinclination to appear unless summoned, probably because they wished to avoid all semblance of partiality for either side. My application was much insisted upon by me and the obvious reasons for it pointed out, but the Court absolutely refused to summon the witnesses, alleging that by the rules of the Court each party had to bring his own witnesses and the Court only summoned those whom, for its own satisfaction, it wished to Examine. I asked to see such rules, but none such were shown and indeed did not appear to Exist in a written form.

I have several times conducted Cases in the Kanagawa Kencho and also before the Gaimusho but have never before Experienced any difficulty in procuring

procuring the authorities to summon such witnesses as might be required.

The Answer to my Clients petition, (which Answer was never served upon us) charges him with falsely representing himself as a competent Engineer, with being an incompetent one and with disobedience to orders. The witnesses in question are necessary to my client for the rebuttal of both the charge of incompetency and that of disobedience.

Trusting, Sir, that you may see fit to assist my client in such way as your Experience may deem advisable towards obtaining a just hearing of his claim

I have the honor to be

Your humble and obedient servant,

(Signed) Fredk. Dickins.

Counsel for the Dunn.

P

Ack July 23.

Mr Pratt
Consul

1089.

U. S. Legation, Japan,
Tokei, June 3, 1874.

DEPARTMENT OF STATE. RECEIVED JUL 6 1874

FOREIGN Relations '74

Mr Bingham
to the
Hon. Secretary of State.

Subject.

Sanjo's proclamation concerning causes of Formosan Expedition, which has landed in Formosa and has been attacked by aborigines. A Commissioner has been despatched by China to negotiate with the Japanese.

Mr Bingham Explains his action in the detachment of the P. M. S. S. "New York."

Enclosure.

Enclosure.

Proclamation of Sanjo, Prime Minister, May 19, 1874.

No 89

U. S. Legation, Japan,
Tokei, June 3, 1874.

Sir:

It seems to me important to communicate to you the fact that the Prime Minister, Saijo, who in April made and withdrew a proclamation of hostilities against Formosa, on the 22nd May issued a new Notification, as it is termed, a copy of which I herewith enclose.

89

The Honorable
The Secretary of State.

It

It is clear to my mind that the landing of an armed Expedition in Formosa under this proclamation, for the purposes therein declared, imposes upon China the necessity of deciding whether it shall be considered an act of war. On this point I had some conversation with the Minister for Foreign Affairs on yesterday. He said to me that the Government had information of the landing of the Japanese troops on the South-East of Formosa, where they had been attacked

attacked by the Boutons, who were repulsed after some loss of life on both sides. He also said that he had received the further information that the Chinese Government had despatched a gunboat to Formosa carrying a High Commissioner with instructions to treat with Saigo, who is in command of the Expedition.

I could not gather from the conversation that the Minister had any assurance that China would acquiesce in the armed occupation of any portion of the island for any considerable time

time by the Japanese forces. He intimated, however, that the Government awaited communications directly from the Japanese Envoy who is reported to have arrived in Peking.

In my No. 78 of April 24th. I informed you of the fact that the Minister for Foreign Affairs, upon my protest against the employment of American citizens and vessels in hostile operations against China, had detached the steamer "New York" from service in this Expedition. I omitted to state the

fact

fact that the Agent of the Pacific Mail Steamship Company, Mr Center, called upon me, and signified his desire that the steamer should be so detached, and his entire approval of the order of the Japanese Government detaching it from the service. After the order had been sent forward by the Minister for Foreign Affairs, Mr Center again called upon me, and expressed apprehensions that the soldiers of the Epedition and the officers in command, then at Nagasaki, would, in disregard

disregard of the order, force the ship to sail with the Expedition to Formosa. He requested me to notify our Consul at Nagasaki, Mr Mangum, and request his aid in enforcing the order of the Foreign Office." In compliance with this request, I delivered to Mr Center, to be forwarded at his Expense, a telegram to Mr Mangum informing the latter gentleman that the steamer "New York" had been detached by order of the Japanese Government from the Formosan Expedition, and that he should, accordingly,

detain

detain her in port. I am not advised that he had occasion to intervene, but, as I before informed you, the steamer was in obedience to the orders of the Japanese Government discharged from that service."

In this connection I beg leave to inform you that some days since Mr Tung Wing, appointed by the Government of China Commissioner of Education for the instruction of Chinese youths in the United States, called upon me, and stated that he

he was instructed by the Governor of Shanghai to thank me for intervening to prevent the employment of the American vessel "New York" in the Formosan Expedition. I also learned from him that the Chinese Government had a considerable number of troops in Formosa and also a number of gunboats in the adjacent waters, and he seemed to be of opinion that unless the Japanese speedily left the island, or gave assurance to the Chinese Government of their intention to remain but temporarily, there would

would result a conflict of arms between the Japanese and Chinese forces.

I await with interest your instructions upon these important matters, involving, as they do, our treaty obligations both to Japan and China.

I am, Sir,

Your obedient servant,

Wm A. Bingham

No 89.

Enclosure.

Copy of Translation.

Notification No 65.

To Iwa. Sho, Shi, Fu and Ken:

May 19th, 1874.

In the 11th Month of the 4th Year of Meiji (Nov. 1871) fifty Sochoanes who were cast ashore in the savage part of Formosa were murdered by the natives. In the 3rd Month of the 6th Year of Meiji (March, 1873.) four men of the Oda Ken were cast ashore there and treated in a brutal manner.

These affairs were the subject of representation to the Government of China by our Ambassador Plenipotentiary.

Now Formosa not being far from Japan, it is probable that there will be other cases from time to time of Japanese being

being cast ashore there, and considering the progress which is gradually being made in navigation, it may be expected that our people will in future visit that country.

Under such circumstances the repetition of similar outrages is gravely to be apprehended, and His Majesty has therefore at this time appointed Saigo Tori Michi, General of the second rank, commander of an Expedition to that island. It will be his duty; first, to call to an account and deal with the persons guilty of outrages on our subjects; and secondly, to take such steps as will ensure the safety of our people's navigation in the future.

The above is hereby notified

(signed)

(signed.) Sanjo Saneyoshi,
Daijo daijin.

Mail today to Yokau. 17 July

Abstract Japan Quiet

No. 89. June 3. 1874

Mr Bingham informs Department that the Prime Minister Sanjo, on May 27th, issued a new Notification - and encloses a copy and says that the landing of an Expedition under this proclamation will cause China to decide whether it shall be considered an act of war. Has conversed with Minister for Foreign Affairs - who said that the Gov't had information of the landing of the Japanese troops on the South-East of Formosa - where they had been attacked by the Boutons, who were repulsed after some loss of life on both sides, and that he had information that the Chinese Government had dispatched a

gunboat to Formosa with a High Commissioner with instructions to treat with Saigo. Mr Bingham could not gather from the Conversation that the Minister had any assurance that China would acquiesce in the armed occupation of any portion of the Island for any time by the Japanese Government. The Government is awaiting information direct from the Japanese Envoy, reported to have arrived at Peking.

Mr. Bingham refers to his No. 78 of 24 April relating to his protest against American citizens and vessels engaging in hostile operations against China. States that the Agent of the Pacific Mail Steamship Company acquiesced in the order detaching

the Steamer "New York." After the order had been sent forward, the Agent stated that he feared that the Expedition at Nagasaki, would force the ship to sail, and requested instructions to Consul there to aid in enforcing the order. This was done by telegraph at the Agents' expense. Not advised whether Consul interfered but Steamer was by order of the Japanese Government - discharged.

Mr. Lung Wing, Commissioner of Education (Chinese youths in U.S.) thanked him for interfering. in the name of Governor of Shanghae. Also told him that the Chinese had a number of troops in Formosa - also a number of gunboats in the adjacent waters. and that he (Lung Wing) was of opinion that unless

the Japanese left the Island or gave assurance to the Chinese of their intention to remain but temporarily. there would be a conflict of arms between the Japanese and Chinese forces.

Mr. Bingham awaits with interest instructions on these important matters, involving our treaty obligations both to Japan and China.

No 89

Enclosure

Copy of translation

Notification No. 65.

To In, Sho, Shi, Fu and Ken:

May 19th 1874.

In the 11th Month of the 4th year of Meiji (Nov. 1871) fifty Loochooans who were cast ashore in the savage part of Formosa were murdered by the natives. In the 3rd Month of the 6th year of Meiji (March 1873) four men of the Oda Ken were cast ashore there and treated in a brutal manner.

These affairs were the subject of representation to the Government of China by an Ambassador

Plenipotentiary.

Now Formosa not being far from Japan, it is probable that there will be other cases from time to time of Japanese being cast ashore there, and considering the progress which is gradually being made in navigation, it may be expected that our people will in future visit that Country.

Under such circumstances, the repetition of similar outrages is gravely to be apprehended, and His Majesty has therefore at this time appointed Saigo Jori Michi, General of the Second rank, Commander of an Expedition to that Island. It will be his duty: first, to call to an account and deal with the persons

guilty of outrages on our Subjects;
and Secondly, to take such steps as
will ensure the safety of our
peoples navigation in future.

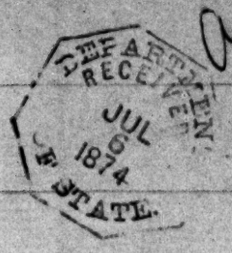
The above is hereby
notified.

(Signed)

Sanjo Saneyoshi
Daijo daijin.

Ackd July 17

No 90. dis Patt.



U. S. Legation, Japan.
Tokei, June 4, 1874.

Mr Bingham
to the
Hn. Secretary of State.

Subject.
Notification of Japanese
Govt. forbidding Export
of rice and wheat.

Enclosure.
Notification No 58, May 25. 1874.

No 90.

U. S. Legation Japan,
Tokei, June 4, 1874.

Sir:

I have the honor to transmit herewith for your information a
1/90 Notification, issued on the 25th ultimo by the Japanese Government, forbidding the Exportation of rice and wheat.

I am, Sir,
Your obedient servant,
Wm. A. Bingham

The Honorable
The Secretary of State,
Washington, D.C.

No 90.

Enclosure.

Copy of Translation.

Notification No 58.

It was made known by Notification 246 of July last that rice and wheat were allowed to be exported beyond the seas. For certain reasons this permission is now withdrawn and the Export of rice and wheat is now prohibited from the first day of August next.

(signed) Sanjo Saneyoshi
Daijo Daijin.

May 25. 1874.

Mr Pratt
Ack July 23.

No 91.

U. S. Legation, Japan,
Tokei, June 6, 1874.

Mr Bingham
to the
Hon. Secretary of State.

Subject.

Certificate of appointment &
Exequatur transmitted to
Chas. L. Fisher, Vice Consul, Nagasaki.

No 9.

U. S. Legation, Japan.
Tokei, June 6, 1874.

Sir:

I have the honor to inform you that in pursuance of Instruction No 33, enclosing the certificate of Appointment of Charles L. Fisher to be Vice Consul of the United States at Nagasaki, I have received from this Government for Mr Fisher an Exequatur in due form, which, together with the certificate, I have forwarded to him.

I am, Sir, Your obedient servt.

Wm. A. Rigsbee

The Honorable
The Secretary of State.

Mr Pratt
Acknowledges July 23.

No 92.

U. S. Legation, Japan,
Tokei, June 6, 1874.

Mr Bingham
to the
Hon. Secretary of State.

Subject.
Receipt of Instruction No 40,
and Confidential Circular 39.

No 93.

U. S. Legation, Japan,
Tokei, June 6. 1874.

Sir:

I have the honor to acknowledge the receipt of your Instruction No 40, and of confidential Circular No 39, transmitting printed copies of correspondence between yourself and the Minister of Spain with reference to the "Virginius".

I am, Sir,

Your obedient servant,

Jno. A Bingham

The Honorable,
The Secretary of State.

Ans July 21

Rec'd July 23.

No 93.

Mr Bratt.

U. S. Legation, Japan,

Tokei, June 16, 1874.

Mr Bingham

to the

Hon. Secretary of State.

Subject.

Corrects mistake in date fixed as time for Centennial Exposition

No 93.

U. S. Legation, Japan,
Tokei, June 16, 1874.

Sir:

Referring to my No 87 in relation to the Centennial Exhibition &c. to be held in Philadelphia, I notice an error in Enclosure No 1 therewith, my letter to the Minister for Foreign Affairs dated 20th April last, viz.: that the International Exhibition will be opened on the 4th July, 1876. I beg leave to say that at the time I communicated to the Minister for For-

The Honorable eign
The Secretary of State.

sign Affairs on the subject
I had nothing before me Ex=
cept your Circular No 448 and
the enclosed letter of Albert
Gorham. Neither of these pa=
pers named any day, and
inasmuch as your Circular
spoke of the "Centennial Exposition
"to be held in Philadelphia in
"commemoration of the declaration
"of Independence of the United
"States" in connection with
"the celebration of the Centennial
"Anniversary of American Indepen=
"dence," I inferred that the Ex=
hibition would be opened on
the Centennial Anniversary day.
Having since that time received
a full copy of the President's
proclamation

proclamation, which declares that the International Exhibition of Arts, Manufactures and Products of the Soil and Mine will be opened at the City of Philadelphia on the 19th day of April, 1876, and be closed on the 19th day of October in the same year, I have taken occasion to correct my error by a communication to the Minister for Foreign Affairs to that effect.

I am, Sir,

Your obedient servant,

Wm. A. Richardson

Purch Exec 2.

Arch. Appears July 27

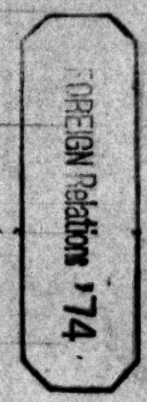
Answ'd July 23.

Copied

No 94

Mr Platt

U. S. Legation, Japan,
Tokei, June 17, 1874.



Mr Bingham
to the
Hon. Secretary of State.

Subject.

Has remitted two sums of special compensation, Simonoseki Indemnity, to Morton, Rose & Co. ($10666.66) Has also notified Japanese Government of the willingness of the U.S. to receive the unpaid balance of the Indemnity.

Enclosures.

1. Exchange Voucher.
2. Mr Bingham to M.F.A. June 10/74.

No 94.

U. S. Legation, Japan,
Tokei, June 17, 1874.

Sir:

In my No 84 of date the 20th ultimo I informed you that on the 4th ultimo I received from Sir Harry S. Parkes a note to the effect that he held a further instalment of $5833 33/100 of the special compensation due the United States from the Simonoseki Indemnity. Since that time I have received your Instruction No 35,

The Honorable,
The Secretary of State

tion No 35, directing me to receive from Sir Harry Parkes a like sum reported in my No 57 of date February 23, and to remit the same by bill to Messrs Morton, Rose & Co in London to be passed to the credit of the United States. Inasmuch as your Instruction substantially authorizes me to receive all the unpaid balance of the Simonoseki Indemnity and remit the same in like manner, I have obtained a bill for the two several amounts paid to me by Sir Harry Parkes of $5833.33 each for the

for the gross sum of
£2479 3/4 drawn by the
Oriental Banking Corporation
at Yokohama on the Bank
of England to my order,
which I have this day re=
mitted endorsed to the
order of Messrs Morton,
Rose & Co, London, with re=
quest to pass the same to
the credit of the United
States. I inclose herewith
3/94 the Exchange voucher of the
Manager of the Oriental
Banking Corporation.

I have the honor
to inform you that in
further pursuance of your
Instruction No 35 on the 10th
inst.

inst. I addressed to the Minister
for Foreign Affairs a communi-
2/94 cation (Enclosure No 2) acquaint-
ing him that the United
States expects to receive from
Japan the unpaid residue
of the Simonoseki Indemnity
inasmuch as the other
Powers interested are re-
ceiving the balances due
them.

With reference to your
instructions touching the
joint note of the Ministers
of the other Powers respecting
an arrangement to travel
and trade in the interior,
I have the honor to say
that I have given the same
full

full consideration and will act in accordance therewith.

I am, Sir,

Your obedient servant,

Wm. A. Richardson

Oriental Bank Corporation.

Yokohama 16 June 1874

I hereby certify that the Sight-
Rate on London ruling in Yokohama
this date is 4/3, Four shillings and
Three pence per $, and at this
Exchange the sum of $11.666.66
= £2479.3/4

FOR THE ORIENTAL BANK CORPORATION

AGENT

W. Harrison
Acty Accountant.

with No 94.

Echange Voucher on
$11.666 66/100 forwarded
to Morton, Rose & Co.

No 94. Enclosure 2.

Copy.

No 48.

United States Legation.
Tokei, June 10, 1874.

Your Excellency:

I am instructed by my Government, under date 20th April, to inform Your Excellency's Government that had the other Powers interested refrained from collecting their portions of the unpaid residue of the Simonoseki Indemnity, the Government of the United States would not have been disposed to press for its portion remaining unpaid, but that, inasmuch as the other Powers interested had demanded and been paid on account of the remaining portion of the Indemnity, the Government

H.E. Terashima Munenori,
H.I. Japanese
Minister for Foreign Affairs.

vernment of the United States
Expects to be treated in the same
manner.

In obedience to these in-
structions I have the honor to
acquaint Your Excellency that
I am authorized and ready to
receive on behalf of the United
States an instalment of the
Indemnity Equivalent to the
sums paid to either of the
other Powers.

I have the honor to be
Your Excellency's
obedient servant,
(signed) John A. Bingham.

Ackd July 23.

Copied

No 95.

Mr Pratt

U. S. Legation, Japan,

Tokei, June 18, 1874.

DEPARTMENT OF STATE. RECEIVED JUL 21 1874

Mr Bingham

to the

Hon Secretary of State.

FOREIGN Relations '74

Subject.

Attitude of China toward Expedition to Formosa by Japanese. Prince Kung, M.F.A. protests to Mr Williams, and the Chinese Foreign Office deny to the Japanese M.F.A. Japan's right to send the Expedition.

Enclosures.

1. Extract of letter from Chinese Foreign Office to Japanese M.F.A.,

2. Mr Williams to Mr Bingham, May 26/74.

Sub. Enc. "A". Prince Kung to Mr Williams

May 17. 1874.

3. Mr Bingham to Mr Williams, May 18/74.

4. Mr Bingham to Mr Seward. May 18/74

5. Mr Seward to Mr Bingham, May 30/74.

6. Telegram from Comdr Kautz and

Admiral Pennock's reply.

June 4. 1874.

No 95.

U. S. Legation, Japan,
Tokei, June 18, 1874.

Sir:

Since writing my despatch No 89, dated the 3rd inst., I have become possessed of further information in regard to the expedition against Formosa, which it seems to me important to communicate.

I have been privately informed by the Minister for Foreign Affairs, under date the 15th inst., of the receipt by him of a communication from the Commissioners

The Honorable
The Secretary of State.

of the Foreign Office of China, from
which he furnishes an extract=
1/95 (Enclosure 1.) It is apparent
from this communication that
the Chinese Government consider
the armed descent made upon
Formosa by Japan an act of
war and a breach of treaty=
obligations, as well as a viola=
tion of the pledge given by the
former Japanese Ambassador,
Soyeshima, that it was the
purpose of his Government to
respect the inviolability of the
territory of China. A still more
significant communication has
been made to the public through
the press here by Saigo the Japan=
ese Commander-in-chief of the
forces

forces in Formosa in a letter dated the 26th ultimo, wherein he is reported as declaring, "I (he) left with instructions "not inconsiderately to com- "mence a war against the "Formosans", and then as proceeding to set forth that hostilities have commenced on the island, that he has seized the arms of the natives, and that there has been a battle between his forces and the Formosans at a place called Sekimon.

I am today in receipt of a communication from Mr Williams at Peking (Enclosure 2) 2/95 under date the 26th ultimo, in

in which he encloses to me a copy of a communication addressed to him by Prince Kung (Sub-Enclosure A) Chief Secretary of State for Foreign Affairs, dated the 17th ultimo. You will notice in this communication that the Prince expressly avers that the region occupied by the aborigines of Formosa" is "a portion of the domain of China". It is also to be observed that he states that the Foreign Ministers have informed him in respect to the Japanese Expedition, that by the law of nations the treaty Powers at peace with China are not permitted to assist the Japanese and

and that they will at once notify their officials &c. against aiding the Japanese with arms and ammunition. Without further quoting Prince Kung's letter to Mr Williams with reference to our treaty obligations &c., it is proper to state that on the 18th ultimo I communicated to Mr Williams (in reply to his letter dated April 24 and enclosed with my No 82,) the action I had taken to prevent the employment by this Government of American citizens or vessels in hostilities against Formosa, a copy of which letter is herewith (Enclosure 3.) On the same day I also addressed to Mr Seward at

3/95

at Shanghai a communication
in relation to my action in
4/95- the premises (Enclosure 4,) to
which I received a reply under
5/95- date 30th ultimo (Enclosure 5.)
I have the honor to report in
further that I have received
from Rear Admiral Pumock,
commanding the Asiatic Squadron,
a copy of a telegram from
Comdr. Kautz, U.S.S. "Monocacy,"
at Amoy, and a copy of his (the
Admiral's) reply thereto, copies
of which telegrams are here-
with (Enclosure 6.) You will
notice from the telegram
of Comdr. Kautz that the
Chinese Viceroy has ordered
the Japanese to leave Formosa,
and

and has requested the American Consul at Amoy to prevent American citizens from assisting the Japanese, and that the Consul has invoked the aid of the Commander. To this the Admiral has replied that the Commander shall order all American citizens to withdraw from all enterprises unfriendly to the Chinese Government &c.

From what I have herein stated it seems not improbable that the Chinese Government, having declared against the hostile invasion of its territority by Japan,

and

and having notified the Japanese to vacate the same, may follow this action by a direct appeal to arms. In view of all the facts, the action taken by Japan on the 18th & 19th April last seems to have made necessary the protests made by me (heretofore communicated to you) in obedience to the requirements of the law of 1860, of the law international and of the treaty obligations of the United States. I trust that my despatches herein stated to our officials in China, informing them of my official action here and

of

of the result thereof, may
meet your approval.

I am, Sir,

Your obedient servant,

Jno. A. Kirkham

No 95. Enclosure 1.

Copy.

Confidential. [Received June 15/74]

Extract from a letter addressed to the Minister of Foreign Affairs of Japan by the the Commissioners of Foreign Affairs of China, (Tsung li Yamen.)

"Japan desired
"to get the intervention of
"China for settling the dispute;
"and lastly that the intention
"of Japan in regard to the
"Formosan savages, in sending
"off the Mission, was only to
"desire from them the good
"treatment of her people in
"future, if they ever go to
"their Districts, and not
"in any ways to make war
"upon them. This was a
"token of good relation between
"China

"China and Japan, and all dis-
"trust, if any, was at once
"cleared away on both sides.
"Afterwards, when, on the
"occasion of the Minister So-
"yeshima's taking leave of us,
"we, shaking hands, said that
"the two nations must always
"observe the provision of the
"treaty, and forbear to
"intrude on each other's
"territory. he assured us that
"this was the very point he
"most desired."

No 95. Enclosure 2.

Copy.

Legation of the United States,
Peking, May 26th, 1874.

His Ex^y John A. Bingham,
&c. &c &c

Sir:

Since I wrote you last month giving the principal items in the reply made by this Government to the announcement that the Japanese were about invading Formosa to punish the aborigines there, we have heard that the Expedition has been recalled, and also that a landing had been effected in the southwestern corner of the island. These statements are probably both true in a measure, and we wait with interest to learn the course of events in relation to this curious episode of Japanese history.

The Chinese Authorities had

had heard of the Engagement of Lieut. Le Gendre in the service of the Japanese, and other things connected with the expedition, and paid me a visit very soon after to see whether I would not issue a proclamation of neutrality. They have been, I think, much perplexed and alarmed about this whole affair; and I gave them my opinion as to the desirableness of a resident Minister in Yedo, for if they had had one they could have learned the facts of the enterprise, and not have been obliged to trust to newspapers and rumors in a case of so much importance to them. Seeing, too, that they had good serviceable ships of their own building, I said it was desirable to station them about Formosa, where they could at least observe the proceedings of the Japanese vessels.

They

They sent me a despatch a few days after on the subject, and I have deemed that it might be of some interest to you, and now inclose a translation with a copy of my reply.

We have not heard of the arrival at Shanghai of the newly appointed Japanese, and when he reaches Peking he will probably learn something, and tell them more about this matter.

With great respect
Y. Ex's obedient servant,
(Signed) S. Wells Williams

P.S. Referring to my last note I wish to add that, since writing it, I have read the despatch No 302 of Mr DeLong, addressed to Mr Fish, Nov 6. 1873, in which the relations of the Lewchewans to Japan are fully

fully set forth. Those islands are more entirely incorporated into the Japanese Empire than I had supposed.

Copy. Sub. enclosure "A." No 95.
With Enclosure No 2.

Tungchi, 13th year, 4th moon,
2d day (May 17, 1874.)

Prince Kung, Chief Secretary of
State for Foreign Affairs, herewith
makes a communication.

I learn by official
reports and recent newspapers that the
Japanese Government is about sending
troops and ships to Formosa, to the
territority occupied by the aborigines,
and I suppose I. E. has also heard
the same things. The region occupied
by these aborigines is a portion of
the domain of China, but the Gov=
ernment of Japan has not yet
plainly declared its intentions
in sending troops there. The for=
eign Ministers have informed me,
however [in respect to this move=
ment,] that according to inter=
national law, those countries
which are at peace with China
are

are not permitted to assist the Japanese, and that they will at once notify their officials and merchants that they are forbidden to aid them with arms and ammunition. This is a clear proof of their friendly sentiments.

The United States and China have long been on terms of cordial amity as the 1st article of their treaty provides as follows:—
"There shall be, as there has always
"been, peace and friendship between
"the United States and China, and
"between their people respectively.
"They shall not insult or oppress
"each other for any trifling cause
"so as to produce an estrange-
"ment between them; and if
"any other nation should act
"unjustly or oppressively, the
"United States will Exert
"their good offices, on being
"informed of the case, to bring about
"an amicable arrangement of the

"question

"question, thus showing their friendly
"feelings".

This Article is very explicit as to the mutual aid which our two countries shall render each other, and it what is universally understood. Since this treaty went into effect all the American Ministers who have come here, and Y. E. too, have upheld its stipulations. But I have now heard that the United States has loaned one of its men-of-war to the Japanese to convey troops to Amoy; also, that two of the ~~commanders~~ officers of the Japanese vessels are American officers, and that General Le Gendre, a former U.S. Consul, is with them, and that the [Pac. Mail] Steamer "New York" has been chartered to convey troops, stores &c. to Formosa.

I desire, therefore, that Y. E. will speedily inquire into

this

this matter, to the end that treaty stipulations may be carried out, and these proceedings stopped, and if they prove to be as reported, that General Le Gendre with the officers and all the ships may be at once recalled. This will be fulfilling the provisions of the treaty and will strengthen our amicable relations." It is also what I confidently expect and is the object for which I make this communication.

To His Excellency
S. Wells Williams,
U.S. Charge d' Affaires.

No 95. Enclosure 3.

Copy.

United States Legation,
Tokei, May 18, 1874.

S. Wells Williams, Esq.,
&c. &c. &c. Peking.

Sir:

I tender you my thanks for your communication of the 24th ultimo in relation to the Formosan Expedition and the telegram of General Le Gendre.

Genl. Le Gendre holds, as I am informed, a military commission under the Government of Japan. I do not know to whom he refers in his telegram as "interested parties," but it is not unreasonable to suppose that he looks upon the United States as an interested party.

I deem it due to the Govt. of the United States to acquaint you somewhat with my action

action in relation to the Formosan Expedition. Before any part of the Expedition had left Japan, viz: on the 18th & 19th days of April last, I placed in the hands of the Japanese Minister for Foreign Affairs my written protests against the employment by the Japanese Govt. of any ship or citizen of the United States in an armed Expedition against Formosa, until the written consent thereto of the Govt. of China should have been first obtained by the Govt. of Japan. On the 22d ultimo, and while the Expedition still remained in port at Nagasaki, I received from the Minister for Foreign Affs. a despatch in which he said that in compliance with my request the steamer "New York" and Genl. Le Gendre, Lieut. Comdr. Caldwell and Mr Watson, citizens of the United States, had been detached from the Expedition, and that

orders

orders had been forwarded by the Govt. to Nagasaki to that effect. I have since been assured, verbally, by the Minister for Foreign Affs. that the orders so issued were duly delivered at Nagasaki before any portion of the Expedition sailed, together with written notices addressed by me to the persons above named to the effect that they should not proceed with the Expedition without further authority and instructions. Genl. Le Gendre did not accompany the Expedition from Nagasaki, but has returned, as I am informed, to Yedo.

You will please make known to the Govt. of China the action that I have taken as herein stated in behalf of the United States.

I cannot say that I am fully advised of all the purposes of Japan in this matter, but

but I have been assured, verbally, by the Minister for Foreign affs. that it is not the purpose of his Govt. to make any descent upon Formosa with force without the consent of China. Having been informed of some verbal consent given to Soyethina last year, I deemed it proper to say to the Minister for Foreign Affs. that, to prevent any misunderstanding, he should before action obtain from the Govt. of China a consent in writing to the Expedition and its declared objects.

Be assured, my dear Sir, that I have every desire to maintain in good faith the treaty obligations of the United States with China.

I am, Sir,

Your obedient servant,

(Signed) Jno. A. Bingham

No 95 Enclosure 4.

Copy.

United States Legation,
Tokei, May 18, 1874.

George F. Seward, Esq.,
United States Consul General,
Shanghai.

Sir:

From information recently received, I deem it proper to say to you that before any expedition left Japan for Formosa or any other portion of China, viz.: on the 18th and 19th ult., I made written protest to the Minister for Foreign Affairs against the employment by the Japan of any ship or citizen of the United States in an armed Expedition against Formosa, until the written consent of China thereto should have

have been first obtained by the Government of Japan. On the 22d of April, and while the Expedition still remained in port at Nagasaki, I received from the Japanese Minister for Foreign Affairs a despatch in which he said that, in compliance with my request, the ship "New York" and Legendre, Cassell and Watson, citizens of the United States, had been detached from this service.

It may be proper that you acquaint the Chinese Authorities of this and say to Mr Williams at Peking that I will fully advise him.

You will, I doubt not, see that the provisions of the Act of 1860, XII Statutes at Large page 72 (to carry into effect the Treaties with China and Japan,) be respected by citizens

citizens of the United States
in China.

I am, Sir,

Your obedient servant,

(Signed.) John A. Bingham

No 95. Enclosure 5.

Copy.

No 22.

United States Consulate General.
Shanghai, 30th May, 1874.

Hon. John A. Bingham,
United States Minister to Japan,
Yedo.

Sir:

I have had the honor to receive your dispatch of the 18th inst. in regard to the Expedition to Formosa. I have sent letters to the appropriate Consuls in China embodying the information contained in your dispatch and saying that I think that any steps which they may take to discourage, or, within the provisions of law, to prevent our people from taking part in such Expedition will meet with the warm approval of our Government

ernment.

I have sent a copy of your letter to Dr. Williams.

I am, Sir,

Your obedient servant,

(Signed.) George F. Seward,

Consul General.

No 95 Enclosure 6

Copies of telegrams.

"A"

June 4, 1874.

Captain Calhoun,
"Hartford",
Yokohama.

Viceroy [Chinese] has ordered Japanese to leave Formosa. Requests Consul to prevent American citizens from assisting Japanese. Consul asks me to assist him in compelling Americans to leave the Japanese Forces in Formosa.

I await your orders.

(Signed.) Kautz.
"Monocacy"
Amoy.

"B"

June 4, 1874.

Commander Albert Kautz,

U.

U.S.S. "Monocacy."

Care American Consul,

Amoy, China.

Notify and command all American citizens to abstain and withdraw from all enterprises unfriendly to the Chinese Government, and to avoid all acts which are inconsistent with Treaty obligations, on pain of forfeiting all claim to American protection.

(Signed.) Pennock,

Rear Admiral.

Copy of Enclosure sent to Secy of Treasury October 3. Mr Pratt Act'g Asst 18.

No. 6.

DEPT OF STATE AUG 17 1874

U. S. Legation, Japan.
Yokei, June 24, 1874.

Mr Bingham
to the
Hon. Secretary of State.

Subject.
Prices current of tea
at Hiogo and Yokº.

Enclosures
1. Tea report for Hiogo. April
16 to June 15.
2. Same for Yokohama
March 20 to June 17.

No 96.

U. S. Legation, Japan,
Tokei, June 24, 1874.

Sir:

I have the honor to transmit herewith abstracts (Enclosures 1 and 2) of the prices current of teas at the ports of Hiogo and Yokohama, respectively, the former from April 16 to June 15, and the latter from March 28 to June 17. These reports are as full and accurate as it is possible, owing to

The Honorable
The Secretary of State.

unsettled state of the market,
to make them.

I am, Sir,

Your obedient servant,

Wm. A. Bingham

No 96.

Enclosure 1.

Abstract of Prices current of Teas at the Port of Hiogo from April 16. 1874, to June 15.

Grade	Price
Common	Nominal
Good Common	"
Medium	$31 and 33
Good Medium	35 and 38
Fine	39 and 41
Finest	42 and 45
Choice	47 and 50
Choicest	Nominal.

Prices are in Mexican Dollars and per Picul.

No 96.

Enclosure 2.

Abstract of prices current of Teas at the Port of Yokohama from March 28 to June 4/74.

Grade	Price
Common	Nominal
Good Common	"
Medium	$35 to 37
Good Medium	38 " 40
Fine	41 " 43
Finest	44 " 46
Choice	47 " 50

Prices are in Mexican Dollars and per Picul.

Prices current at same Port from June 4 to June 14.

Grade	Price
Common	Nominal
	Good

Good Common	$28 to $31
Medium	33 to 37
Good Medium	38 " 40
Fine	41 " 44
Finest	45 " 48
Choice	50 " 55

Prices are in Mexican Dollars and per Pound.

No 97. Ack Aug 18

Mr Pratt & Mr Haywood

U. S. Legation, Japan,

Tokei, July 7, 1874.

Mr Bingham

to the

Hon. Secretary of State.

Subject.

Has received from the Japanese Govt. two instalments of the Simonoseki Indemnity, $250000, which have been transmitted by bill to Messrs Morton, Rose & Co. London.

Enclosures.

1. Mr Terashima to Mr Bingham

July 2, 1874.

2. Mr Roberton to Mr Bingham,

July

July 4. 1874.

3. Certificate of Exchange July 3/74.

4. Mr Bland to Mr Robertson

July 3, 1874.

5. Messrs McDonald & Dare to

Mr Robertson, July 3. 1874.

No 94.

U. S. Legation, Japan,
Tokei, July 7, 1874.

Sir:

On the 25-th ultimo I notified the Minister for Foreign Affairs in reply to an enquiry how I would receive from him the two instalments of the Simonoseki Indemnity equal in amount to the sums paid to each of the other Powers, that he might deposit the same to my credit in the Oriental Bank Corporation at

The Honorable
The Secretary of State.

at Yokohama. On the 29th ult.
I received from J. Robertson, Esq.,
Agent of that Corporation, notice
that the Japanese Minister
for Foreign Affairs had set to
my credit in the Oriental
Bank the sum of Two hundred
$250.000 and fifty thousand dollars,
and on the 2d inst. I received
from the Minister for Foreign
Affairs official information
1/97 of the fact, as per Enclosure No 1.
On the 3rd inst. I negotiated,
in pursuance of your In-
struction No 35, with the
Oriental Bank Corporation
for a bill on the Bank of Eng-
land for the sum of Fifty
£52083-6s Two thousand and Eighty three
Pounds

pounds Six shillings and Eight pence, Sterling, being the equivalent of $250.000, as is shown by the enclosed copy
2/97 of letter of Mr Robertson, dated the 4th inst., (Enclosure No2) together with a certificate of exchange dated the 3rd
2/97 inst. (Enclosure No 3.) and copies
4/97 of the letters of Messrs Bland
5/97 and McDonald and Dare, brokers doing business at Yokohama, (Enclosures Nos. 4 and 5.)

The First of this bill of Exchange on London, payable on demand to my order, I have, in accordance with your instructions, remitted to Messrs Morton, Rose

Rose and Co, London, to be placed to the credit of the United States and have so endorsed the same.

I am, Sir,

Your obedient servant,

Wm A. Bingham

No 97.

Enclosure No 2.

Copy.

Oriental Bank Corporation,
Yokohama, 4th July, 1874.

H. E. the Hon'ble John A. Bingham,
Legation of the United States
of America, Tokio.

Sir:

I beg to enclose first and second of Exchange of our draft on Bank of England No G/20662/1 for £52083-6-8, being equivalent of $250000 Mexican at Exchange of 4/2 per Dollar.

I also enclose a certificate (in duplicate) that the above draft has been issued in exchange for the $250000 received from the Minister for Foreign Affairs for Japan for credit of Your Excellency, and copies of

letters

letters from brokers showing that the current rate yesterday was that above quoted.

I have the honor to be,
Sir,
Your obedient servant
(signed) J. Robertson,
Agent.

No 94.

Enclosure No 1.

Copy.

Foreign Office, Tokio,
the 2nd 7th Month,
7th Year of Meiji.

Your Excellency:

I have the honor to acknowledge the receipt of Your Excellency's despatch under date of the 25th ult. stating that two instalments of the unpaid portion of the Simonoseki Indemnity due the United States for the months of January and April last might be deposited in the Oriental Bank Corporation at Yokohama.

His Excellency
John A. Bingham
Envoy Extraordinary &c
Minister Plenipotentiary of the U.S.

In reply I beg to say to Your Excellency that on the 29th June 1874 the said two instalments amounting to $250,000 were deposited in the Oriental Bank Corporation, and enclose herewith a copy of the receipt.

With respect and consideration,

(signed.) Terashima Munenori.

H. I. J. M. Minister for Foreign Affairs.

No 97.
Duplicate.

Enclosure No 3.

Yokohama 3rd July 1874

We hereby certify that in exchange for the sum of $250.000. (Two Hundred & Fifty Thousand Mexican Dollars) paid to us by H.E. the Minister of Foreign Affairs for Japan for credit of H.E. the United States Minister, we have today issued our draft on Bank of England no G/4 06621 for £52.083.6.8 (Fifty Two Thousand & Eighty three Pounds 6/8 stg) being Equivalent thereof at current rates.

FOR THE ORIENTAL BANK CORPORATION

AGENT

Entered J.M. Thomson acting Acer

No 97.

Enclosure No 4

Copy.

Yokohama, 3rd July, 1874.

John Robertson, Esq.
Manager Oriental Bank.

Dear Sir:

The best rate for Bank sight drafts that I have been able to get offered today is 4/12.

Yours faithfully,
(signed) Charles S. Bland.

No 94.

Enclosure No 5.

Copy.

Yokohama, 3rd July, 1874.

To the Manager
Oriental Bank Corporation,

Sir:

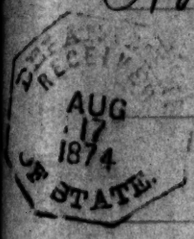
We beg to state that the best rate to-day attainable for a fair amount of Bank paper at sight is 4/2 (Four Shillings and Two Pence)

We are, Sir,
Your's very truly,
(signed) McDonald and Dare,
Bill and Bullion Brokers.

Abstract. 17 Aug.
note
No 98.

Mr Pratt
ack August 18

ack 21 Aug 74



U. S. Legation, Japan,
Tokei, July 16, 1874.

Mr Bingham
to the
Hon. Secretary of State.

Subject.

The attitude of China on the Formosan
questin; and the suit against the P. M.
S. S. Co brought by the Japanese Govt.
for alleged breach of charter party in
not proceeding to Formosa of "New York".

Enclosures.

1. Viceroy of Fokkien to Saigo.
2. Tsungli Yamen to Japanese Govt.
3. Mr Williams to Mr Seward, June 8. 1874.
4. Mr Williams to Mr Henderson, June 5/74

5.

5. Mr Williams to Mr Bingham, June 11/74.

6. Same to same, June 22/74.

7. Prince King to Mr Williams, June 18/74.

8. Mr Terashima to Mr Bingham, April 22/74.

9. Mr Bingham to Mr Terashima, June 26.

10. Petition and Answer in Jap. Govt.
vs. P.M.S.S.Co. May 29, 1874.

11. Mr Terashima to Mr Bingham,
June 29th, 1874.

12. Telegrams (2) from Seyin
to Govr. of Nagasaki April 19-20/74.

13. Sanjo, Prime Minister, to Okuma,
April 20. 1874.

No 98.

U. S. Legation, Japan,
Tokei, July 16, 1874

Sir:

It seems to me proper, although I have not yet received any reply to my Nos. 76 and 78, dated, respectively, April 22 and 24, 1874, to make further report in regard to the Formosan Expedition.

I enclose herein copies of two despatches, one from the Chinese Viceroy of Fohkien to the Commander of the Japanese forces in

The Honorable
The Secretary of State.

in Formosa; the above issued by the Tsungli Yamen to the Government of Japan (Enclosures 1 and 2.) You will doubtless notice that in these despatches it is claimed and asserted by the Chinese authorities that the island of Formosa is under Chinese jurisdiction and a part of the Chinese Empire; and that the armed Expedition thereto of Japan is in violation alike of the treaty obligations of Japan and of the sovereignty of China.

1/98 2/98

It is very significant that the Viceroy of Fokkien says to the Japanese Commander in Formosa that it is in opposition

opposition to the treaty that
"you (he) have (has) landed
"at Liangkiai, erected a camp
"there and fought with the
"aborigines who pay taxes to
"us. Would not the Japanese
"hold responsible those who,
"in imitation of the Example
"which the Japanese have set,
"should send without permission
"a General and an army into
"the Japanese Empire?" It is
also very significant that the
Tsungli Yamen declare to the
Government of Japan what
amounts to an express denial
of the representation of Japan
that China in any wise
assented to this invasion
of

of her territory. On the con=
trary it is asserted in
these despatch that the
Japanese Minister, Soyeshima,
on taking leave of the Chinese
authorities and on being
told that "the two nations
"must always observe the
"treaty and forbear to in=
"trude on each other's territory,"
answered that "this was the
"very thing he most desired".
It is also declared in this
despatch that "the terri=
"tories inhabited by these
"savages (Formosans) are
"truly within the jurisdiction
"of China," and that the Tsungli
Yamen desire to know of the
Japanese

Japanese Government why that Government did not consult China beforehand about this expedition. I have only to add in this connection that the rumor is that China is now making extensive preparations for war.

I respectfully ask your attention to Enclosures 3, 4 and 5, herewith, the first being a letter addressed by Mr. Williams at Peking to Mr Seward at Shanghai, of date the 5th ultimo, the second a letter to Mr Henderson, our Consul at Amoy, from Mr Williams, dated the 5th ult,

and

and the third, of date June 11,
a communication addressed
to me by Mr Williams.
It is only needful that I
should state that Mr Wil-
liams received and acted
upon my note of the 18th
May, a copy of which was
transmitted to you with
my No. 95, and that the
next day after its receipt
he made known to Prince
Kung the action I had
taken with reference to
the Steamer "New York" and
the American citizens employed
in the Formosan Expedition.
I am today in receipt of a
Communication from Mr Williams
of

of date the 22d ult. (Enclosure
1/98 No 6) transmitting to me a
translation of Prince Kung's
2/98 reply (Enclosure No 7) to his
communication of the 6th May
in relation to my action. I
respectfully call your atten-
tion to the remark of Mr
Williams that "the prominent
"lead taken in the conduct"
of the Japanese Expedition
"by American officers, with
"the absence of British, French
"or Dutch officers, has attracted
"the attention of both Chinese
"people and officials". You will
also notice that Prince Kung
in the enclosed Communication
reminds Mr Williams that
he

he had informed the latter that two American officers were connected with the Expedition and that Mr Le Gendre had chartered a steamer to the Japanese," in "order that you (Mr Williams) "might act in relation thereto "as the treaty stipulates".

It will, doubtless, be gratifying to you, as it is to me, to know that my course not only meets the approval of the Chinese Government, but that it is declared by the Tsungli Yamen that my action in the premises "shows clearly that the United States is ready to maintain its peaceful

"peaceful relations with China,"
that China is "deeply sensible
"of this and will feelingly re-
"member it."

The conduct of Japan
in detaching the steamer
"New York" and the American
citizens from service in this
Expedition to Formosa, as
heretofore communicated in
my Nos 76 + 78, in compliance
with my protest and request,
I looked upon as a proper
recognition by this Government
of the rights of the United States
and of the duty of Japan
under her treaty with the
United States not to author-
ize the employment of United
States

States ships and citizens in violation of the treaty obligations of the United States and of their Express statute law. But I regret to say that after the Government of Japan had issued orders, as it was clearly its duty to do, detaching the American citizens and the steamer "New York" from the Formosan Expedition, which orders were executed with respect to the steamer, that the Govt. should institute a suit, as it did, in the American Consular Court at Kanagawa to recover damages in $10250 from the Pacific Mail Steamship

Steamship Company for obeying the orders of his Government and not prosecuting the voyage from Nagasaki to Formosa and not transmitting thither troops and munitions of war in violation alike of the orders of Japan and of the law of the United States. The case was tried before the United States Vice Consul at Yokohama on the 29th ult., and on the trial no testimony was offered to show that any damage whatever had been sustained by the Government of Japan for the non-prosecution of the voyage beyond Nagasaki,

but

but on the contrary it was made fully to appear that the defendant had not received compensation according to the terms of the charter party and the supplemental agreement for the services actually rendered in the premises, and that the vessel was in April, and after her arrival at Nagasaki, discharged from the further prosecution of the voyage by order of this Government, as appeared by the despatch of the Minister for Foreign Affairs, of date April 22d, 1874. (Enclosure No. 8.) The Court very properly dismissed the proceeding

proceeding, upon which, strange as it may seem, the Plaintiff by its attorney gave notice of appeal to the United States Circuit Court for the District of California. Pending this trial, I was called upon by the Consular Court to apply to the Japanese Government for authenticated copies of its orders discharging the "New York," &c. In compliance with this request, on the 26th ult. I addressed a note to the Minister for Foreign Affairs (Enclosure No 9.) I regret to say that although a prompt compliance with this request

request was verbally promised to me by Mr Terashima, I did not receive any official response until the evening of the 29th ultimo, after the trial had closed. I enclose herewith a copy of the petition in this Extraordinary suit and also a copy of the answer thereto (Enclosure No 10.)

10/98

To the end that all that I have herein said, or may say, may be the better understood, I respectfully ask your attention to my former despatches on the subject of the Formosan Expedition, numbered, respectively, 76, 78, 89 & 95. By referring especially to my

No

No 89 of June 3rd you will notice that I accepted in good faith the action of the Japanese Government, as certified to me by the despatch of the Minister for Foreign Affairs of the 22d April; that I notified Mr Center, the Agent of the Pacific Mail Steamship Company, at the time of this action of the Japanese Government; that he accepted the same and acquiesced therein, and that afterwards, viz: on the 29th of April, he being apprehensive that the officers and soldiers of the Expedition at Nagasaki would disregard the order of this Government and compel the New York to go forward with the Expedition

to

to Formosa, I sent, at his request,
a telegram to our Consul, Mr
Maugum, informing him of the
order of this Government detach-
ing the "New York" and that,
in accordance therewith, he
should detain her in port. Now
the attempt is made, by the
action referred to, which was
brought on the 29th day of May,
weeks after this order of
detachment had been issued
and executed, nominally to
recover damages against
the Pacific Mail Steamship
Company for not resisting the
order of this Government, and
for not proceeding, in defiance
alike of the order of detachment
and

and of the law of the United States,
with this armed Expedition to the
invasion of China and to the
commencement of hostilities upon
her subjects. It seems to me
that this action was brought
(without consulting the Foreign
Office as I am informed) for
the purpose of impeaching
the validity of the act of the
Government declared through
the Minister for Foreign Affairs to
me, and for the further pur-
pose of pronouncing, through
the Consular Court, judgment
against the constitutionality
of Section 24 of the Act entitled
an Act to carry into effect
the provisions of the treaties between the
United

United States, China, Japan &c, approved June 22, 1860 (Statutes at Large XII, 72) in accordance with the ad captandum declaration of Mr LeGendre, the reputed hero of this marvelous performance, that the said section was unconstitutional.

It is proper to say that the delay of the Foreign Office to furnish authenticated copies of the order discharging the "New York," until after the trial was closed, was a disregard of the maxim, obligatory alike upon men and nations, that whoever asks justice, should do justice. This delay made it my duty

to

to furnish to the Consular Court a copy of the despatch of the Minister for Foreign Affairs of the 22d April, inasmuch as it was essential to the administration of justice and inasmuch as I had already been assured by Mr Terashima that it should be produced on the trial. I submit herewith for your consideration and in confirmation of what I have already said a copy of Mr Terashima's reply (Enclosure No 11.) to my letter requesting authenticated copies of the order of detachment &c, with copies of its Enclosures (Enclosures Nos 12 & 13.)

Your

You will notice that this answer furnishes enough to justify all I have herein said of the action of this Government. — While the Minister kindly furnishes a copy of his letter of the 22d April, he also supports his own action by furnishing me a copy of the communication of Sanjo, the Prime Minister, of date the 20th April, to Okuma, who was in command of the Expedition, informing the latter of my objection to the employment of the — steamer "New York"; and, of course, of the American citizen commanding her, in the hostile Expedition to Formosa, and instructing

instructing Okuma to take
action "in conformity with
"the American Minister's request."
I regret to note that the
Minister for Foreign Affairs
declares it impossible to
send the other copies asked
for, and that he confuses
his communication by first
saying that he has no time
to ascertain whether such
instructions exist, and by
adding the significant words
that he "reserves the right
"to consider hereafter whether
"they or any of them will be
"communicated through you
"(me) or otherwise, to the
"Consular Court." I have very

strong

strong reasons to believe that there were other orders sent by telegram fully confirmatory of the communication made to me by the Minister for Foreign Affairs on the 22d April.

It seems just to say that by Article 10 of the Treaty of the United States with Japan, signed at Yedo July 29, 1858, that Japan substantially covenanted that citizens of the United States within the jurisdiction of the United States, as they are by the same treaty when in Japan, should not be engaged to act in a military

military or naval capacity
for Japan when making war
upon any Power in amity
with the United States. Although
the language of the Article is
"While Japan shall be at war
"with any Power in amity with
"the United States", it seems
to me broad enough to
justify the prohibitions of
the 24th Section of the Act of
1860, and I have no doubt
that this construction was
understood and accepted by
Congress in the enactment
of the law. As the case now
stands, and as the action of the Chinese Gov-
ernment herein reported shows,
the armed and hostile Expe-
dition

pedition of Japan to Formosa was an act of war against China, a Power then and now "in amity with the United States". In such case, in my opinion, no formal declaration of war is needed to determine the character of such an invasion of the territory of a foreign sovereignty.

Until otherwise advised I shall esteem it my duty to ask the aid of this Government to second my endeavors to prevent citizens of the United States from enlisting in the military or naval service of Japan "to make war upon any

"any foreign Power with whom the
"United States are at peace." I
consider that the word "en=
"listing" is used in the statute
in its broadest and most comprehensive
sense and to
include all citizens of the
United States who actively and
personally engage in such mil=
itary or naval service to make
war upon a foreign Power with
which the United States are at
peace, as well those who are
not enrolled as those who are
enrolled in such service,

Sincerely hoping
that my action thus far
in the premises may re=
ceive your approval and
that I may receive full
instructions

instructions for my future guidance in this grave matter.

I am, Sir,

Your obedient servant,

M. A. Bingham

DEPARTMENT OF STATE. RECEIVED AUG 11 1874

No 98.

Enclosure No 1.

THE FORMOSA EXPEDITION.

We have been favoured with the following translation of the last despatch known to have been addressed by the Viceroy of Fokhien to the Commander of the Japanese troops in Formosa prior to the departure of the last mail from China, up to which time, so far as we know, the despatch, which will be read with high interest, had not been made public in China. 27th May, 1874.

A despatch addressed to the Japanese Commander of the Central Army.

Li, the Governor General of Fukhien and Cheh Kiang makes the following communication.

From your despatch of the other day I have learnt that you had received orders to conduct your troops to Formosa for the punishment of the wild aborigines. I had then already referred to International Law in support of the request I made you to send back your troops and to observe the Treaty. My communication is preserved in the archives.

I have now on the 27th of May received a report from the Military Commander and the Tantai of the Taiwan-foo stating that you had, at the head of your troops, erected a fortified camp in the neighbourhood of the fortified town of Liangkiao belonging to our district of Fung-shan and that you had fought with the aborigines residing there.

I had already sent Tshou Tshin Pang, the Military Commander of Anping to instruct the Vice President of Taitang Foo-i-li and others to proceed in haste to the place to confer with you on the 23rd May and to inquire from you personally if you had received my communication or not. You replied that you had received it. You therefore declared to the Military and Civil officials I had sent that your envoy Fukujima (Soyejima) had last year made arrangements with the Tsung-li-yamen about an expedition against the wild aborigines, and further that as an Envoy had been sent to Peking on this special business you would await an answer or until information arrived from Peking, but that you could not immediately withdraw the troops.

It has further been reported to me that I-zo the Secretary of your Consul at Amoy, K. Fukushima, had declared on the 22nd of May, during the visit he paid to the before-mentioned Military Commander, and the Tantai of Taiwan, that he would proceed himself to Liangkiao to see what was going on, and that it was not admissible that men-of-war of his country should seek a quarrel with Chinese subjects. When he came to pay this visit as a proof of his love of peace, the Military Commander and the Fantai asked him why this expedition was undertaken, and he replied that it was only to make an example by the punishment of the wild aborigines, and that nobody would dare to molest any Chinese settlements or inflict harm on any of them.

After all these different reports had reached me I was well informed of all the circumstances, and felt very much obliged to your Government for the faithfulness and truth with which they endeavoured through their benevolence to strengthen the relations between the two countries.

And when I finally heard that you had received the high commands (of your Emperor) and were desirous to show your good will and great benevolence, and for the sake of peace to destroy every suspicion, I felt highly rejoiced and satisfied.

It is not long ago that your country concluded a treaty with China from which it is hoped that both countries will unceasingly maintain the most friendly relations. It is perhaps owing to accident that I have not received any instruction from the Tsung-li-yamen how to act in this matter. But when you received the order to invade at the head of your troops a territory belonging to China and to carry a military expedition to a place under my administration, you attached faith to frivolous talebearers who told you falsely that the wild aborigines were not under Chinese dominion, and the result of it is that the last acts of your Government and of yourself constitute an infraction of International Law, and of the Treaty, which must be condemned both by China and by foreign countries.

In addition, therefore, to what I stated in my former communication, I feel that I must once more explain to you more fully what proofs I have for this assertion.

There are clear proofs dating from ancient times that the persons, the property, and the sites of the village of the aborigines of Liangkiao are under the administration of China.

The eighteen villages of the 3rd Southern division of Liangkiao belong to the district of Fungshan, and pay a yearly tribute of two thousand taels, as is written in the descriptions of Taiwanfoo. This is the first proof.

At Taiwan there resides an official who is charged with the administration of the aboriginess in the Southern and Northern Districts. Every year this official goes into the mountains, gives rewards to the aborigines, visits the markets etc. This is the second proof.

At the fortified town Tshai-Tshang, called also Fuanshi there has existed from the commencement of this dynasty a monument and temple of the Chinese Minister Fukangan. This is the third proof, one which has been engraved upon stone for many centuries.

In the 3rd Article of our Treaty it is stated that each of the two Goverments shall have the sole administration of their respective territories, and that neither shall interfere with the administration of the other. To cross the territory is, therefore, wholly inadmissible.

The first article says clearly and distinctly that the two empires have to assist each other; and the 14th observes that certain ports have been designated in China for the Japanese to visit, and that Japanese shall not be allowed to fight with other nations in the Chinese waters. How then can the Japanese fight on our territory?

It is therefore in opposition to the Treaty that you have without premission landed at Liangkiao, erected a camp there and fought with the aboriginess who pay taxes to us. Would not the Japanese hold responsible those who, in imitation of the example which the Japanese have set, should send, without permission, a general and an army into the Japanese Empire?

The Military Commander and the Tautai of Taiwan have reported that you and the Consul Fukujima had both said that the Japanese envoy had declared (arranged?) last year at Peking that the wild aborigines were not under the administration of China, and that you had come because this question had been settled long ago.

Now treaties between countries are concluded by the orders of their respective sovereigns and a special article stipulates that the Plenipotentiaries sign and seal them only provisionally. As soon as the Imperial ratification has been obtained in both countries the Treaties are published in print.

What you and your country's consul now tell me about what the envoy had arranged last year with the Tsung-li-Yamen, is it in accordance with the Chinese laws and the Treaty, or is it not? Or, if we admit the possibility of an arrangement having taken place, some official record must have been signed, or both countries must have published a notification, or despatches must have been exchanged in evidence of the transaction.

I have received no communication whatever on this subject from the Tsung-li-Yamen, but your Excellency, who in obedience to supreme commands has come from so far, will doubtless be acquainted with all the details of the transaction. If at the time referred to any written arrangement was entered into, I request you to furnish me with a copy of the original text agreed to by both parties, and I shall then, with due deference to your Excellency, act according to the agreement.

If at the time named no written agreement was entered into, I request you to send home the troops, as, if the stipulations of the Treaty are to be observed, foreign troops cannot be allowed to remain any longer in a territory belonging to China.

I believe that it is only because the wild aborigines in the two cases mentioned killed some shipwrecked people that your Government has ordered one of their generals to enter at the head of an army into the territory of the aborigines and to punish their chiefs in order to prevent a repetition of these misdeeds.

I have to remark that in the case which concerns the natives of our own tributary country of Loochoo who were murdered when shipwrecked, I myself have issued strict orders to the local authorities to take the matter into their hands, and it is therefore unnecessary that your country should trouble itself about it.

In the other case the four shipwrecked natives from the Japanese provinces of Bishiu, Lipa and companions were not murdered but only robbed. According to Article VIII of the Treaty which refers to robbery, it is *my* duty to have the culprits traced through the local authorities, and to have them prosecuted and punished. The treaty strictly enjoins on the local authorities the duties of prosecution and punishment. I have no intention to make any difference between Chinese and Foreigners, and the powers conferred upon the local authorities are such that they will not cause any delay. There exists no necessity for you to send troops to Formosa, to cause for a long period trouble to your army and to spend large quantities of provisions.

It is out of consideration for the good relations between the two countries, which are highly appreciated, that I write to you so explicitly, and that I enter into the question of proofs and draw your attention to the Treaty.

At present the Representatives of all the Powers at the Capital above us, together with all the people of China and Foreign Countries below us, are agreed that your country is wrong on this point.

I believe that while acting with a noble regard for the interests of your country you will certainly be able to change your plans and to send the troops home immediately. By this course you will avoid the condemnation of the whole world, and will also preserve eternal peace between the two Empires,—an advantage which Your Excellency will certainly keep in view. A necessary communication.

No 98. Enclosure No 2.

DISPATCH from the Tsung Li Yamen to the Government of Japan, on the subject of Formosa:

[TRANSLATION.]

(From the Gazette.)

26th day, 3rd month,

13th year of Tung Che.

TO HIS EXCELLENCY

THE MINISTER OF FOREIGN AFFAIRS JAPAN.

SIR,—Since your country concluded a treaty with China, the obligations of mutual concord and good-will have been fulfilled on both sides, and the sentiments of respect and friendship have been more and more cultivated towards each other. Last year, too, on the occasion of the mission of the Minister Soyeshima to China we had very friendly consultations with him on several matters.

The same year, in the fifth month, Yanagiwara, an officer attached to the mission, and the interpreter Tei came to our office by special order of the Minister Soyeshima, to ask us questions about three points, the first of which was whether the island of Macao belonged to the jurisdiction of China or to that of Portugal; the second was whether Corea constituted an independent sovereignty or not; and the last related to the question of the proposal to despatch a mission to the savages of Formosa, for the purpose of inquiring into the murder of Loo-Choo Islanders by them; and in this interview we gave him the accurate and true explanation of these points. Subsequently, it was again said on the part of the Minister Soyeshima, in the words of the interpreter Tei: first, that it being possible for Japan to trade with the island of Macao, she only desired beforehand to establish a basis for future negociations, by ascertaining whether this island belonged to China or not; second, that, as for the affair of Corea, Japan desired to have the intervention of China to settle the dispute; and, lastly, that the intention of Japan in regard to the Formosan savages in sending a mission to them was only to desire from them the good treatment of her people in the future, should they ever go to their district, and not in any way to make war upon them. This was a token of the good relations between China and Japan; all distrust, if any, was at once cleared away on both sides. Afterwards, when, on the occasion of the Minister Soyeshima's taking leave of us, we, shaking hands, said that the two nations must always observe the provisions of the treaty, and forbear to intrude on each other's territory, he answered, that this was the very thing he most desired. Since the departure of the Minister Soyeshima there have elapsed a great number of days, but there has again been no question put to us concerning the above said three points, nor have we ever made any admissions that could modify the provisions of the treaty; and we thought there could be no reason to apprehend any disturbing causes arising between the two governments. But, now, all the Foreign Ministers residing at Peking inform us that Japan is going to despatch an army to Formosa, to make war upon the savages of that island; and, besides, the newspapers, the intelligences from the sea coast, and the reports from our local officers, all inform us that, in the second month of the present year, a vessel-of-war belonging to your country anchored in the harbour of Amoy, demanding to make use of the drilling ground there for drilling her crew; and also that, to use the words of her commander she came from Formosa and the Pescadores.

Formosa is an island lying far off amidst the sea, and we have never yet restrained the savages living there by any legislation, nor have we established any government over them, following in this a maxim mentioned in the Rei Ri: "Do not change the usages of a people, but allow them to keep their good ones." But the territories inhabited by these savages are truly within the jurisdiction of China; and this is also the case with several savage tribes inhabiting other remote provinces within the jurisdiction of China, and whom China permits to retain their own good customs. We hear now with astonishment that Japan intends to send an expeditionary corps to Formosa, but still we do not firmly believe that this is truly the case. If truly so, why did you not consult with us beforehand about it? For what purpose is the vessel destined that now lies anchored in the harbor of Amoy?

Truly hoping that Your Excellency will reconsider and examine into this matter,

We have the honor to be,
Y. E.'s obedient servants,
(The signature of Prince Kung and nine other General Commissioners of the Foreign Affairs of China, Tsung-li-Yamên).

No 98.

Enclosure No 3.

Copy.

Legation of the United States
Peking, June 8, 1874.

Geo. F. Seward, Esq.

&c &c &c

Sir.

I have received your dispatch of the 30th ult, No 366, with inclosures of copies of a letter from Minister Bingham and your circular letter to the southern consuls, both relating to the Japanese Expedition to Formosa.
I received a letter from Mr Bingham of the same date as yours, and have informed the Foreign Office of his action in stopping the Str. "New York" and urging the Japanese Government to detach the American officers engaged in the Expedition.

Yr

The information respecting this whole affair in their possession was somewhat erroneous and they were under the impression that the "New York" was a Man-of-war and Messers LeGendre, Cassell and Watson were the leaders and commanders of the Expedition.

1/ I enclose a despatch for Mr Henderson of Amoy, which may strengthen your circular in showing that the enterprise Mr Cassell and Mr Watson are engaged in, is one which they cannot lawfully aid. I trust they will have already left it before the despatch reaches Amoy. The Chinese Government will be much reassured to learn that the United States authorities are determined to take all proper measures to restrain Americans from assisting the Japanese invasion of Formosa, consistent with treaty obligations, but they have exhibited so much hesitation

in

in their action that they have missed the full effects it would have had upon the local officials at the ports, if these latter had early been informed how the Expedition was regarded."

I think their own want of precise information had something to do with their inaction, and I made it a reason for urging them to set up a telegraph wire between the Capital and the southern provinces, by which they could learn such things sooner. It will be the most intelligible argument to them for encouraging the telegraph, when they begin to see their awkward position in an affair like this because they have it not.

I am, Sir,
Your Obedt. Servant,
(Signed) S. Wells Williams

No 98.

Enclosure No 4.

Copy.

Legation of the United States.
Peking, June 5th, 1874.

Joseph J. Henderson Esq.
U. S. Consul,
Amoy.

Sir:

I have been credibly informed that two American citizens, Douglas Carsell and James R. Watson, reported to me also as holding commissions in our Navy and Army, are now actually engaged in an armed expedition sent by the Japanese Government to punish certain acts of violence committed some time since by the aborigines living upon the island of Formosa upon the crew of a vessel under the Japanese flag; and that both of them

have

have left Japan to aid in the purpose thus openly declared of landing in Formosa.

So far as I can ascertain the consent of the Chinese Govt. has never been formally asked or obtained by the Japanese Government for land anywhere in Formosa for the purpose of punishing the aborigines, a region which is claimed by the Chinese as an integral portion of their dominions, and has been to acknowledged by all nations.

I have just learned that part at least of the Expedition put in at Amoy for supplies, and after remaining awhile sailed for the southern end of Formosa, where an unopposed landing was effected. Some acts of violence were, it is said, committed by the Japanese

ause upon the unoffending
inhabitants or aborigines
in that region, which it
is admitted is not the
part of the island where the
alleged outrage on the ship-
wrecked crew was perpetrated.

However this may
be, for my information is not
precise, this enterprise of the
Japanese within the territory
of the Emperor of China is one
which is not recognized by
this Govt.; and therefore one
which no citizen of the United
States can lawfully aid,
as it is in violation of the
peace which now Exists be-
tween this and his own
Government. Even if these
two men are employed in
the military service of the
Japanese, that does not
permit them to engage in
what must now be regarded
as

as an unlawful proceeding, even if it is not really a filibustering Expedition. This being the case, as far as I am now informed, I wish you, as soon as you can, to warn the Consul and the Vice Consul that they are doing acts in violation of the peace existing between the United States and China, and require them to desist immediately and retire from the Expedition under penalty of arrest and trial for those acts. They will not pretend that they have the consent of their own Govt., or any of its officers, to aid in hostilities with China; but it may be they have been told that the Expedition is really not against China, because the does not Exercise jurisdiction over the whole of Formosa, and these abori-

ines

ines have always been
quite independent of her
control, and it is in
their territory only that
the Japanese intend to land.
These ideas cannot now be
alleged in Excuse, if it be
true that the Japanese Gov=
ernment has itself comman=
manded the Expedition for
reasons best known to it=
self. The appointment of
Ching Paoching as Imperial
Commissioner to go to Formosa
to arrange this affair, will
I hope be a wise selection,
and that he will adjust all
difficulties; but you will
give this warning to Mr
Bissell and Mr Watson,
and to any other Americans, who
may be connected actively
with the Expedition, if they
are within your jurisdic=
tion

sion.

I am, Sir,
Respectfully
Your obed't. servant
(Signed.) S. Wells Williams

No 98.

Enclosure No 6

Copy.

Legation of the United States
Peking, June 11, 1874.

Hon. John A. Bingham
&c &c Tokei

Sir:

I am much obliged for your letter of the 18th ult. which reached me on the 5th inst., and was read with much interest. The next day I communicated the full particulars to Prince Kung of your action in relation to the American citizens and ships connected with the Formosan Expedition, and had hoped to have received his reply before this, in which, perhaps, there would be some indication of the policy intended to be pursued by the Government. The only step it has taken publicly was made

known

known on the 30th ult. when the appointment of an officer at Fuhchau named Ching Paoching, to proceed to Formosa to manage matters, was gazetted. He has the reputation of being a competent man, but it is not probable that much will be done here until his report is received.

Since I wrote you on the 26th ult., including Copies of the two letters which have passed on this subject, I have informed the Chinese that every effort will be made to fulfill our treaty obligations, and prevent our Countrymen from interferring in this matter; and as a proof of it, that I have already instructed the Consul at Amoy to warn Mr Cassell and Mr Watson that they are violating the peace existing between the United States and China by aiding the Japanese in their invasion of Formosa and exposing themselves

selves to arrest and trial. This will tend to reassure them, for they were surprised at first to be told that the Japanese Government had engaged, with the knowledge of their own authorities, American Consuls, officers and ships, to direct and assist the Expedition. The local officers at the ports have also been informed that the U. S. Consuls will do what they can to prevent American citizens from aiding the enterprise in any way, and maintain the neutrality. If the Chinese find it necessary to resort to force to expel the invaders, I fear there will be much difficulty, moreover, to prevent foreigners from mixing in the fray on both sides; but the whole Expedition is such a mixture of peace and pretense, an armed Colonization under the guise of treaty right, and self-

protection

protection, that I have not been able here to judge of its nature until actions indicated it. The Japanese rulers must have quite forgotten the first two articles of their treaty with China when they planned this descent upon a portion of her territory, before ascertaining her views and received a final decision in regard to the punishment of the savages. I am informed that the willingness of the authorities in Amoy and Kilung to allow the Japanese ships to buy rice and coal, had been taken by the latter as a proof of the amicable relations still maintained between them.

I have informed Capt. Elkins of my action, and I suppose some of our fleet are near Formosa to observe. At such times it is rather inconvenient to be so remote from the scene of events, and be compelled to make up a judgment and act from imperfect data.

I have &c.

(Signed) S. Wells Williams

No 98.

Enclosure No 6.

Copy.

Legation of the United States
Peking, June 22, 1874.

Hon. John A. Bingham
&c. &c. &c.

Sir:

In my letter of the 11th inst. I mentioned that I had hoped to receive Prince Kung's reply to my communication of the 6th informing him of what you had done. It came a week after, and I now enclose a translation, from which you will learn how highly he appreciates the interposition made in his behalf. So far as I can learn, the idea of sending Mr Tung Wing over as a special messenger to thank you in person, originated with the

the Intendant at Shanghai; but the officers here appeared to be much gratified with the step."

The new Japanese Minister has not yet reached Peking and I rather think that he will not come up until he has seen more of the outcome of the expedition to Formosa. The unfounded assertion that this Expedition had been discussed here last year, and was not opposed by this Govt., had misled us at first; but its real character is now plain, though it is not to certain that the Chinese did not know more of its intention than they are now willing to acknowledge."

However this may be, the prominent lead taken in its conduct by American officers

officers, contrasted with the absence of British or French or Dutch officers, has attracted the attention of both Chinese people and officials, and their surprise and perplexity was great.

Several letters have passed between the Japanese Ministers and Chinese authorities, but I cannot learn their nature.

With great respect

I am

Your Excellency's obedient servant,

(signed) S. Wells Williams

No 98.

Enclosure No 7.

Copy of Translation.

Tungchi 13th year 5th moon
5th day (June 18, 1874.)

Prince Kung, Chief Secretary of State for Foreign Affairs herewith makes a communication.

Having heard that two American officers were connected with the Japanese Expedition, and that General Le Gendre had chartered a steamer to the Japanese, we informed Y. E., in order that you might act in relation thereto as the treaty stipulates, as you are already aware.

We are now favored with your reply, in which you inform us that Mr Brigham, U. S. Minister in Japan, having heard that Gen.

Le Gendre

No 98.

Enclosure No 7.

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5th day (June 18, 1874.)

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as you are already aware.

We are now favored
with your reply, in which
you inform us that Mr
Bingham, U. S. Minister in
Japan, having heard that Gen.
Le Gendre

Le Gendre and two American officers had been engaged by the Japanese who also had chartered the steamer "New York," to go with them to Formosa, he had refused their request, and had not allowed them to go there. We have also heard that the Southern Superintendent of Trade, that the Intendant at Shanghai had reported to him that owing to this action of Mr Bingham in refusing this steamer to be chartered to the Japanese and recalling Genl. Le Gendre from the Expedition, he had deputed Tsung Wing to proceed to Japan to personally thank him for this considerate act.

His conduct shows clearly that the United States is ready to maintain its peaceful relations

relations with China; and this effort of the American Minister in Japan to uphold treaty obligations is very honorable to him and we (the Prince and high officers) are deeply sensible of it and shall feelingly remember it.

To H.E.
S. Wells Williams
U. S. Chargé d'Affaires.

No 98.

Enclosure No 8.

Copy of Translation.

The 22d of 4th Month
of 7th Year Meiji.
[April 22, 1874.]

Your Excellency:

I have the honor to acknowledge the receipt of Y.E.'s despatch No 33 of the 19th April, 1874, informing me of your non-approval of the proceeding to Formosa of three American citizens, to wit: General Le Gendre, Lieutenant Commander Cassel and Mr Watson for the present affair, who were engaged.

His Excellency
John A. Bingham,
Envoy Extraordinary
and Minister Plenipotentiary of U.S.A.

gaged in service of the Jap. Govt. and of the employment of the United States vessel "New York" as transport in the same service."

In reply I beg to say that in compliance with your request instructions for the detachment of the above named citizen and vessel have already been forwarded to the proper authorities and that the necessary steps have also been taken to transmit with despatch your letters addressed to those gentlemen.

With respect &c &c Consideration

(Signed.) Terashima Munenori,

H. I. J. M's Minister

for Foreign Affairs.

No 98.

Enclosure No 9.

Copy.

No 50.

United States Legation,
Tokei, June 26, 1874.

Your Excellency:

I am in receipt of a despatch from the United States Vice Consul at Kanagawa notifying me of a suit pending in the Consular Court before him wherein the Okuratho of Y. Ex'd Govt. is plaintiff against the Pacific Mail Steamship Company, in which I am requested to apply to Y. Ex'd Govt., for production at the trial of said cause on Monday next, the 29th inst., at 10 o'clock A.M., of certain official communications, to wit: The instructions of

H.E. Terashima Munenori,
H.I.J.M. Minister
for Foreign Affairs.

of Mr Okuma to Mr Yashida Dgiro
touching the voyage and charter
party of the steamer 'New York'; also
all official instructions and despatches
issued by authority of Y. Ex.cy Govt.
touching the employment of the
"New York" in the Formosan Expedition
and the detachment of said steamer
from said service; also any official
instructions to Mr LeGendre re-
specting the charter party entered
into for the use of said ship
"New York", or respecting the voyage
of the same thereunder; also an
official copy of Y. Ex.cy communication
to me relative to the detachment
of said steamer from the Formosan
Expedition, of date the 22d April last,
together with an official copy of
the instructions detaching the
steamer from said service, re-
ferred to in the last mentioned
communication; also the official
instructions, letters and telegrams

P.

or copies thereof, duly certified, issued by the Japanese Govt. or any Dept. thereof to any Dept. or officer of said Govt. directing that the vessels engaged in the Formosan Expedition, or some one or more of them, should not proceed beyond Nagasaki.

Inasmuch as this is a proceeding instituted by a Dept. of the Japanese Govt. against citizens of the United States for not proceeding with the "New York", a United States vessel, to Formosa in direct violation of the orders of H.E.I. Govt. as communicated to me by H.E. in your despatch No 26, dated the 22d April last, I deem it proper not only in the interests of justice, but also in the interest of H.E.I. Govt, and of my own as well, to respectfully ask of H.E. that

there

there be forwarded to me for transmission to said Consular Court on Monday next official copies duly certified of the several despatches, communications, letters and telegrams hereinbefore mentioned.

I have the honor to be
Your Excellency's
obedient servant,

(signed.) Jno. A. Bingham.

No 98.

Enclosure No 10.

U. S. Consular Court.

Before G. N. MITCHELL, Esq., Acting Consul.
June 29th, 1874.
G. FARLEY SMITH, Esq., and G. L. MONTGOMERY, Esq., Assessors.

THE CHINESE GOVERNMENT (per the Okurasho) *v.* the PACIFIC MAIL S.S. COMPANY.

This was a suit to recover $10,250 for an alleged breach of charter party, in consequence of the *New York* not proceeding on her voyage to Formosa to convey troops, stores, &c., for the Government.

The following is a copy of plaintiff's petition:—

1st.—That the above named defendant is a corporation subject to the jurisdiction of this Court.

2nd.—That on or about the 1st day of April A.D. 1874, the Plaintiff and Defendant agreed by charter party that the Defendant's ship called "New York" then on the high seas or in the waters of China or Japan, and being shortly later than that date due at Yokohama, should on the 14th day of April A.D. 1874 with all convenient speed sail from the said harbor of Yokohama, in Japan, to the port of Nagasaki in Japan, and there load from the Plantiff, any stores, troops or baggage, that might there be put on board by the Government of Japan, which she should carry to the Southern part of the island of Formosa, and there land the same without delay, at any one point to be designated by an officer of the Government accompanying the same, on the payment by the said Plaintiff of the sum of sixteen thousand five hundred Dollars ($16,500.00) Mexican: one half of that amount being paid to the Defendant at the execution of said charter party, and the balance to wit eight thousand two hundred and fifty Dollars ($8,250.00) to be paid on the return of the ship to the port of Yokohama.

3rd.—That on or about the 14th day of April, 1874, the plaintiff and defendant made a further agreement that the defendant would allow the said ship to remain if desired at the port of Yokohama as late as 4 o'clock of the afternoon of the 17th day of April aforesaid, and that the Plaintiff would in consideration thereof pay to the defendant the sum of two thousand Dollars ($2,000) Mexican; one half of which last named sum should be returned to the plaintiff if the said ship could have such dispatch as would enable her to reach Shanghai in China in turn to leave that port on her voyage for Yokohama for the defendant on the 5th or the 6th day of May, 1874: and further that for each and every day of detention of the said ship at the ports of Yokohama or Nagasaki or at Formosa beyond the time provided for in the charter party and in said agreement of the 14th April demurrage should be paid by the plaintiff at the rate of Five hundred Dollars ($500) per day,

4th.—That the plaintiff duly performed all the conditions of the said charter party and the said agreement on his part.

5th.—That the said ship did sail on her said voyage and proceeded from Yokohama to Nagasaki aforesaid; but that at the last named port the defendant caused the said ship to deviate from her said voyage and abandon the same, to the plaintiff's damage Ten thousand two hundred and fifty Dollars ($10,250).

Wherefore the plaintiff prays judgment against the defendant for the said sum of Ten thousand two hundred and fifty Dollars ($10,250) and interest thereon from the dates on which the same was advanced and for costs; and for such other and further relief as may be just.

G. W. HILL
[illegible] Plaintiff's

Yokohama, May 29th, 1873.

To which the defendants filed the reply below:

1. The statement contained in the 15th paragraph of the plaintiff's petition is true.

2. A written charter-party between the parties, and generally to the effect alleged and set forth in the 2nd paragraph of the said petition, was entered into on or about the date in the said paragraph mentioned, but the defendant craves to refer to the said charter-party when produced at the hearing of this cause.

3. A written agreement to the effect generally set forth in the 3rd paragraph of the said petition was entered into between the parties, and on or about the date in the said paragraph mentioned. But the steamer "New York," being the vessel referred to in the said charter-party and agreement, did not arrive in Shanghai owing to the plaintiff's default, or that of his government or their agents, until the 6th day of May last, and could not consequently leave that port until the 8th day of the same month.

4. The said steamer "New York" duly arrived at Nagasaki about the 21st April last, and was ready to continue her voyage according to the said charter-party, but the plaintiff's government themselves stopped the further prosecution of her voyage under the said charter-party, and abandoned the same, in consequence of which abandonment the defendant's company claimed compensation from the plaintiff or his government, and negotiations commenced between the plaintiff and defendant with a view of settling the amount of the compensation so claimed as aforesaid, in the course of, and also subsequently to which negotiations, the plaintiff fully and expressly admitted the abandonment of the said charter-party by the government; and further, that the only question then pending between his government and the defendant's company was the question of compensation.

5. The said negotiations resulted in an agreement entered into on the 30th April last between the parties to this suit, by which the party plaintiff agreed to pay, and the party defendant to accept, the sum of $7,750 as the total of compensation due in respect of such abandonment of the said charter-party by the plaintiff or his government as aforesaid.

6. Nevertheless, no part of the said sum of $7,750 has hitherto been tendered to the defendant by or on behalf of the plaintiff, although the latter has been requested by the defendant to pay, or cause to be paid, the said sum, in accordance with the said agreement of the 30th April last. By reason of not performing such agreement, the plaintiff has rendered himself liable to the present action.

And the defendant submits that the circumstances hereinbefore set forth, and the matters contained in the regulations of this Court, are sufficient grounds that the plaintiff's petition ought to be dismissed, with costs, and prays that judgment may be given against the plaintiff for the said sum of $7,750, with interest thereon from the said 30th day of April last, and that such further and other relief may be afforded to the defendant in the premises as justice and the nature of the case may require.

F. V. DICKINS,
Defendant's Counsel.

No 98.

Enclosure No 11.

Copy.

Translation.

Foreign Office, Tokio,
the 29th of the 6th month
of 4th year Meiji.

Sir:

I have the honor to acknowledge the receipt of your letter dated the 26th inst. requesting official copies of a letter from this Gaimusho to you dated the 22d of April last, and certain instructions or supposed instructions issued by this Govt. relative to the detachment of the steamer "New York" from the Formosan Expedition.

In reply I have the honor to

H.E. Jno. A. Bingham,
&c. &c. &c.

to enclose herewith a certified copy of my letter, in translation, to you dated April 22, 1874, — also an Extract in the original Japanese of a letter dated the 20th day of April, 1874, by Sanjio, Prime Minister, to Okuma, Sangi & Minister of Finance, at Nagasaki, and a certified translation thereof. This Extract includes everything relating to the steamship "New York" and the three Americans mentioned in your correspondence. The letter in question was despatched by a special messenger who is mentioned at end. I also enclose a copy, in translation, which were sent to Miyagawa at their dates.

In reference to the other Instructions or supposed Instructions referred to in your request, it is impossible for me to send copies today, as I have no time to ascertain if such

instructions

instructions exist. I reserve the right to consider, hereafter, whether they, or any of them, will be communicated through you, or otherwise, to the Consular Court at Yokohama.

With respect and consideration

(signed) Terashima Munenori,

H. I. J. M's Minister

for Foreign Affairs.

No 98.

Enclosure No 12.

Translation of Telegram from Seyin to Governor of Nagasaki.

The 19th April.

To Miyagawa Kenrei dono, from Seyin.

There is an objection amongst Foreign Representatives. Postpone departure of Expedition until arrival of "Hak-kaimaru". You will learn the details by that steamer. Inform this to Okuma on his arrival.

The 20th April.

To Miyagawa Kenrei dono, from Seyin.

The steamer "Hak-kaimaru" sailed today at 11 o'clock A.M. for Nagasaki. Inform Okuma and Saigo that until her arrival the Expedition

Expedition will remain in Nagasaki.

I certify that this is a correct translation of the above telegram.

(Signed) O. Koyas

No 98.

Enclosure No 13.

Copy.

Translation of Extract from the communication of S. Sanjo to S. Okuma 20th of the 4th Month [April 20. 1874]

Sir:

Regarding to Formosan Epedition in connection with which you had received instructions, the American Minister raised his objections to the Minister for Foreign Affairs against the proceeding of Mr Le Gendre and two other American Gentlemen in the employ of our Government & against the charter of the Steamer "New York" and you will

To Okuma Shigenobu
Sanji and Minister
for Finance Department.

will see the details from the enclosures, consisting of three copies of conversation between them on the subject.

Transmitting these enclosures to you I beg to inform you that you will take Foreign and Japanese interest and our Government's object into consideration and in conformity with the American Minister's request take such measures as you may think proper. As to the details of the matter you will hear directly from Mr Kawai Goutho or Naishi.

(Signed) S. Sanjo,
Prime Minister.

I certify this is a correct translation of the above communication.

(Signed) O. Koyata.

Copy & enclosures sent to Secy of Treasury Oct 3.

Mr Pratt Ackd Augt 18

No 99.

U. S. Legation, Japan,
Tokei, July 16, 1874.

Mr Bingham
to the
Hon. Secretary of State.

Subject.
Tea reports of Hiogo and Yokohama.

Enclosures.
1. Abstract of Prices current, Yokohama June 17 to July 6.
2 Same, Hiogo, June 15 to July 13.

No 99.

U. S. Legation, Japan,
Tokei, July 16, 1874.

Sir:

I have the honor to transmit herewith reports of the price current of teas at the ports of Yokohama and Hiogo, the former from June 17 to July 6 and the latter from June 15 to July 13.

I am, Sir,

Your obedient servant,

Wm. A. Burlingame

The Honorable
The Secretary of State.

No 99.

Enclosure No 1.

Abstract of prices current of teas at Yokohama from June 17 to July 6, 1874.

Grade	Price
Common	$28 to 31
Good Common	32 " 34
Medium	35 " 37
Good Medium	38 " 40
Fine	41 " 43
Finest	44 " 46
Choice	47 " 50

Prices are in Mexican dollars and per picul.

No 99.

Enclosure No 2.

Abstract of prices current of teas at Hiogo from June 15 to July 13.

Grade.	Price
Common	Nominal
Good Common	$28 to $30
Medium	32 " 35
Good Medium	36 " 38
Fine	40 " 42
Finest	43 " 46
Choice	48 " 50
Choicest	Nominal

Prices are in Mexican dollars and per picul.

Ack. the 17 Aug

No 100.

Ack Aug 18

Att Pratt

U. S. Legation, Japan,

Tokei, July 16, 1874.

RECEIVED
AUG 17 1874
DEPT OF STATE

Mr Bingham

to the

Hon. Secretary of State.

Subject.

The Punishment of the would-be assassins of Iwakura.

Enclosure.

Extract from "Japan Gazette."

July 10, 1874.

No 100.

U. S. Legation, Japan,
Tokei, July 16, 1874.

Sir:

By the enclosed Extract from the "Japan Gazette" of the 10th instant you will observe that nine of the Tosa samourai were executed on the 9th inst. by order of this Government for the attempted assassination of Iwakura on the 14th Jany. last, which I made, as you will remember, the subject of

The Honorable
The Secretary of State.

of a communication at the time.

I am, Sir,

Your obedient servant,

Wm. A. Brigham

No 100.

Enclosure.

THE

Japan Gazette.

TOKEI, JULY 10TH, 1874.

YESTERDAY, NINE shizoku of Kochi Ken (Tosa samourai), were beheaded, for the dastardly attack on Iwakura at Kuichigai on the 14th January last. It will be remembered that the U-daijin was leaving the Imperial palace about 9 o'clock that evening in his carriage, when he was set upon and wounded, and one of his bettoes killed. He, himself, only escaped by falling down the embankment into the moat, where he remained a long time before he considered it safe to call for assistance. The judgment delivered by the Shihosho is very short:

"You felt very angry at the abandonment of the Corean Expedition, and formed a conspiracy to agitate the government by treacherously killing Iwakura U-daijin, whom you attacked at Kuichigai on the night of the 14th January. Your sentence is that you be degraded from the Shizoku class, and suffer death for your crime."

Mr Pratt
Ack'd Aug 18.

No 101

U. S. Legation, Japan,
Tokei, July 16, 1874.

Mr Bingham
to the
Hon. Secretary of State.

Subject.
Receipt of Instruction No 41.
and of record book.

No 101

U. S. Legation, Japan.
Tokei, July 16, 1874.

Sir:

I have the honor to acknowledge the receipt of your Instruction No 41 and of a record book for the use of this Legation.

I am, Sir,
Your obedient servant,
Wm A. Pierpoint

The Honorable
The Secretary of State,
Washington, D.C.

Ackd per Dft Aug 18

Ans Aug 19.

No 102.

Mr Pratt

U. S. Legation, Japan,
Tokei, July 17, 1874.

Mr Bingham
to the
Hon. Secretary of State.

Subject.

Sir Harry Parkes explains with reference to the allegation that he attempted the removal of Americans from the Japanese service.

No 102.

U. S. Legation, Japan,
Tokei, July 17, 1874.

Sir:

On Wednesday last, the 15th inst. Sir Harry Parkes informed me that he had received a report of proceedings in Congress to which he wished to call my attention, stating that he desired to make some personal explanations in the matter. I should add that he approached the subject and presented it in a spirit of kindness. He handed me a slip

The Honorable
The Secretary of State.

slip which purported to be an extract from the Congressional Record of the proceedings in the House of Representatives upon the Bill amending the 19th Section of the Act of August 18, 1856. He then called my attention to the fact that Mr. Banning, as I remember it, (I have not the paper now before me,) in favoring the Bill, quoted from a dispatch of mine to you (No. 53) the following words: "I am now constrained to add that one "at least of the European Ministers "has in person urged the removal "of American citizens now in "the Japanese service for the "avowed purpose of filling their places

"places with the subjects of his
"own country &c." I remarked to
Sir Harry that I supposed the
quotation was substantially from one of my
despatches; that the fact was
communicated as I received it
from an official in the Japan-
ese service, without naming
him or any other Minister, but
in the discharge of what I
understood to be a simple duty
to my Government. I also sug-
gested that I did not suppose
that it was communicated to
the House for publication, but
only for the information of the
appropriate Committee. He
seemed to recognize that it
was the duty of a Foreign

Representative

Representative to acquaint his own Government, confidentially, with whatever information he might become possessed of affecting the interests of either his Government or its people, but declared his wish to disabuse my mind of the charge which he had before been informed had been made against him by an official in the Japanese service to the effect as stated in my despatch. He said that some time since he called upon the official to know if he had made that charge against him, which the official denied having done, but denied in such manner as to leave the impression

impression on Sir Harvey's mind,
as he said, that he had said some=
thing of the kind. Sir Harvey
states very plainly that he never
made such an application, but
has clearly informed me that
it was his belief that having had
a conversation with a Japanese
officer in relation to the ad=
ministration of a Department
of this Government, the officer
did fabricate and report the
charge as above stated. Of course
it was not for me, when I re=
ceived such a statement upon
the authority of a Japanese of=
ficial, to settle the question of
his veracity. You will notice
by referring to my No 45, that

I

I made reference to the influence exercised, as I was advised, by European Representatives to secure special privileges, contracts &c. for their own citizens in Japan to the exclusion, as far as possible, of American citizens, and that I stated in the conclusion of that despatch (45) that "it has not been my "desire to write anything in "the spirit of mis construction "or defamation, but to inform you, as fully as possible, "of what our interests demand "&c." All that I have written that in anywise reflects upon the policy or action

of

of Foreign Representatives, I have no doubt you understand has been written for the purpose named, in conformity with what I believed to be the facts and in accordance with my duty to my own Government. I feel assured that it was not your purpose that any of my communications, which could be construed to reflect upon the action of my colleagues here, should be given to the public.

I do not know that I should have called your attention to this matter but for the fact that on several occasions

occasions before my official action has been misrepresented to Sir Harry Parkes by persons unknown to me, and has been made the occasion of some private and friendly correspondence between us. I may be pardoned also for saying that the English press here has taken several occasions to make my official action the subject of comment and to unfairly represent it.

I am, Sir,

Your obedient servant,

Jno. A. Kirkham

ask
2 Sept 1874

Mr Pratt

No 103.

U. S. Legation, Japan,
Tokei, July 27, 1874.

Mr Bingham
to the
Hon. Secretary of State.

Subject.
Receipt of Instructions 42
and 43.

No 103.

U. S. Legation, Japan,
Tokei, July 27, 1874.

Sir:

Your Instructions numbered 42 and 43, dated the 5th and 6th ultimo, respectively, have been received.

I am, Sir,
Your obedient servant,
Wm. A. Pinkham

The Honorable
The Secretary of State,
Washington, D.C.

Ack[d] Sept 12
Copy & Enclosure sent to Secy of Treasury Oct 3.

Mr Pratt
Ack[d] Sept 12.

No 104.

U. S. Legation, Japan,
Tokei, July 27, 1874.

Mr Bingham
to the
Hon. Secretary of State.

Subject.
Yokohama tea report, on
July 6 to July 17.

Enclosure.
Abstract of prices current.

No 104.

U. S. Legation, Japan,
Tokei, July 27, 1874.

Sir:

I have the honor to transmit herewith an abstract of the prices current of teas at the port of Yokohama from the 6th to the 14th inst.

I am, Sir,
Your obedient servant,
Rl. A. Pinkham

The Honorable
The Secretary of State,
Washington, D.C.

No 104.

Enclosure.

Abstract of prices current of teas at Yokohama from July 6 to July 17, 1874.

Grade.	Price.
Common	Nominal
Good Common	"
Medium	$36 to $37.
Good Medium	38 " 40
Fine	41 " 43
Finest	45 " 48
Choice	50 upwards.

Prices are in Mexican Dollars and per picul.

Copied

Ord. p. Dpt.
Sept. 1. Desp.

No 105. Mr Pratt

U. S. Legation, Japan,
Tokei, July 29, 1874.

DEPARTMENT OF STATE
SEP 1 1874
RECEIVED

Mr Bingham
to the
Hon. Secretary of State.

FOREIGN Relations '74

Subject.

Telegram of Dept. received and notice given to American citizens not to engage in proceedings hostile to China. The Minister for For. Affs. informs Mr Bingham of the result of negotiations with China thus far and of the demand that Japanese troops shall be withdrawn from Formosa.

No 105.

U. S. Legation, Japan,
Tokei, July 29, 1874.

Sir:

I have the honor to acknowledge the receipt of your telegram of date the 21st instant, in which you instruct me to caution American citizens against hostile proceedings against China. This telegram reached me on the 26th instant at 4 P.M.

I have, in pursuance of

The Honorable
The Secretary of State,

of your instructions, notified our Consuls to warn American citizens not to engage in hostile proceedings against China. On the 28th inst. notices were given by the Consuls at Hiogo and Yokohama, and I presume that notice has also been given in by the Consul at Nagasaki in accordance with my instructions sent to him by telegram.

I have carefully considered the 26th Article of the treaty with China made at Tientsin, and consider it

it highly important to the interests of American commerce that American citizens should not be allowed to violate that provision.

On the 28th inst. ~~I had an interview~~ I had an interview with the Minister for Foreign Affairs in which I told him that while I had respect for the rights of Japan and had no purpose to question her full right to judge for herself touching her relations with China, that it was my duty to acquaint myself, as far

as

as possible, of the actual state of affairs between Japan and China, to the end that the treaty relations of the United States with the two countries might be fully maintained. In this conversation Mr. Terashima informed me that China had made two communications to Japan since the invasion of Formosa by the Japanese forces in relation thereto; first, that the Japanese force should withdraw from the island, and second, that the Japanese having inflicted

punishment

punishment upon the Boutan savages should at once recall their forces, and China would pledge herself to build a light-house upon the north east coast of Formosa and to furnish protection hereafter to foreign commerce upon that coast by a land and naval force. To my astonishment I was informed that Japan had not accepted either of these conditions, and I was left to infer, therefore, that the conditions were rejected because Japan

purposes

purposes to retain possession of that portion of the island of Formosa. Mr Terashima also informed me that China has withdrawn her second proposition, and is actively engaged in preparing for war. He concluded by saying that the Japanese Ambassador has reached Peking and is now engaged in negotiations with the Chinese Government, but that he, Mr Terashima, is not yet advised of the result.

Referring to your Instruction No 43, of date the 6th ultimo, I beg leave

to

to thank you for the expression therein of confidence entertained by the Department in my discretion, and also for the views therein expressed with relation to the scope and effect of the Act of 1860.

I am, Sir,

Your obedient servant,

Wm. A. Bingham

Ask Japan ask Dept in Spirit

No 106. Mr Pratt.

U. S. Legation, Japan,
Tokei, July 29, 1874.

DEPARTMENT OF STATE
SEP 1 1874
RECEIVED

Mr Bingham
to the
Hon. Secretary of State.

Subject.
Communication of the Minister for Foreign Affs. upon foreign travel in interior of Japan, wherein he gives his reasons for not acceding to such travel.

Enclosure.
Mr Terashima to Mr Bingham, July 28. 1874.

No 106.

U. S. Legation, Japan,
Tokei, July 29, 1874.

Sir:

I have the honor to communicate herewith a letter from the Minister for Foreign Affairs received by me on the 28th inst. in relation to the revision of the treaties.

You will notice that the real objection to the admission of foreigners to travel, trade &c. in the interior of Japan is the retention by the treaty powers of exclusive jurisdiction over their own citizens and subjects.

The last proposition to

The Honorable
The Secretary of State

the

the Minister for Foreign Affairs, to which reference is made in this communication, was restricted to travel only under passports. No foreigner is permitted now to travel in the interior without a pass from the Foreign Office, and the Foreign Representatives are required to make application for them officially for the citizens of their respective countries.

I am, Sir,

Your obedient servant,

Wm. A. Pinkham

No 106.

Enclosure

Copy
Translation.

The 28th of the 7th Month
the 7th Year Meiji.
[July 28. 1874]

To His Excellency
John A. Bingham
&c &c &c

Sir:

In connection with the
question of liberty to travel in
the interior of Japan which
Your Excellency desires to have
accorded to your fellow citizens
and upon which you have for
a year past frequently suggested,
I have the honor to inform Your
Excellency that the Draft
of Regulations [of Sept. last] upon
the matter in hand which you
were pleased to send me some
time ago, has received my

most serious consideration.
I beg leave to remark never-
theless, that on the 20th ult.
certain objections to the pro-
visions contained in your
Draft were fully explained
to you. Since that date they
have again been weighed and
I find myself compelled to
declare that the said pro-
posed admission of foreigners
into the interior of Japan
portends much trouble
consequent upon respective
jurisdictions. Your Excellency
is aware of the oft repeated
inconveniences that have re-
sulted from the Exercise
of respective jurisdictions
practiced even within the
limits prescribed by treaty.

I had the honor in
a recent Conversation with
Your Excellency to remark
that we are now going through

the process of making a change in the system of our municipal law and are introducing a new code of law and that in consequence should this jurisdiction be farther Extended in our whole Empire, we have various objections, and therefore that the admission of all of your citizens into the interior can at this juncture not be permitted.

Your Excellency will allow me further to remark that inasmuch as permissions for the interior have been granted under special kindness of my Government to any of your fellow citizens who have desired to visit that part of the country, either for scientific purposes or

for those of health or in case of necessity, it seems to me that there exists no cause of inconvenience to you.

At the same time I beg to give Your Excellency every assurance that the sincere desire of my Government is to cultivate with all the Treaty Powers relations more and more close and to make the intercourse between our respective peoples more and more friendly. To this end my Government will shortly enter upon the discussion with the Foreign Representatives of the revision of the present Treaties, and it is anticipated that the existing Treaty limits will be relaxed according to the provisions of the revision of

the Treaties and to
locality.

In conclution I have
the honor of here mention-
ing to Your Excellency that
I will send instructions to
our Representative residing
in your country to lay
the matter minutely before
the Government of the United
States that to permit
foreigners to travel through-
out the Empire is not
possible from the above
facts.

With great respect,
(signed) Terashima Munenori,
H. I. J. M's Minister
for Foreign Affairs.

Transmits Mr Rice's resignation of Interpreter to Legation
Mr Pratt
Inclosure 1 to No 10 Japan
Minister Plenipotentiary &c
No 10 Sept 15. Yedo July 31st 1874

Sir: I regret that so many complaints touching the conduct of Mr Nathan E. Rice, Interpreter to this Legation have been made to Mr Stevens my Secretary and to me, that I deem it my duty to acquaint you therewith and to say that in my opinion the public interests would be promoted should Mr Rice be relieved of his office and a successor appointed in his stead.

It seems that Mr Rice under his privilege refuses to respect his obligations to his creditors. I have the honor to enclose herewith for your information a letter from

Mr Mitchell our New Consul at Kanagawa and an other letter from Mr Lyons the Manager of the Grand Hotel at Yokohama. I do not feel at liberty to doubt the truth of the statements made in these letters. In this connexion I beg leave to remind you of your words to me, in June of last year, that you doubted whether Mr Rice was the man to be interpreter to the Legation in Japan.

Respectfully submit the matter to your consideration and should you conclude to appoint a new Interpreter to this Legation, I beg leave to suggest that I have

no doubt a selection for Interpreter could be made from citizens of the United States resident here that would prove in all respects satisfactory.

I have the honor to be
Your obt. Servant
Jno A Bingham

The Honorable
Hamilton Fish
Secy. of State
Washington D.C.

No. 604.

United States Consulate,

Kanagawa, (Yokohama,) Japan,

July 16th 1874

Hon. J. A. Bingham
U. S. Minister,
Tokio, Japan.

Sir:

I have the honor to enclose herewith an obligation given by Mr. Graham Rice, Interpreter of your Legation to a Jinrick-sha man.

The man who holds this claim against Mr. Rice will bear this letter, and from him you may be able to gather facts relative to the case which I may inadvertently omit.

It appears that Mr. Rice employed sixteen jinrickshas of the man to whom he is indebted

last August; for the purpose
conveying a party of americ
to Niko and back; that for th
service they were to receive
222 Rios, and that only 170 R
have been paid.

I have taken pains to m
inquiries of one of the gentlem
composing the party, and I fi
that Mr. Rice agreed to pay
the bills for the trip, and that t
remainder of the party agreed to
reimburse him upon their ret
and I am assured by the same
gentleman, that he paid the sha
of two persons and that he is
confident that the remaining t
gentlemen (one of whom was M
Dobong.) paid their shares of th
expenses, among which was

included the principals hire. So
it seems Mr. Rice received the
money for the principals, and
that he paid over a portion of the
same and appropreated the balance
to his own use.

I should not lay this
matter before you were it not
for the fact that almost daily
accounts against Mr. Rice are
brought to my notice, and that
apparently, he does not attempt
or desire to pay them.

I am Sir,

Your obt. servant,

Ed. N. Mitchell.

Vice Consul

U. S. Rice Circuit.

Yorks. July 16. 1874.

—

As to complaint of
Tyrrick the man
against Rice for
Money due

—

Received
July 17th.

Grand Hotel Yokohama
13th July 1874

His Excellency
The Hon Jno A. Bingham

Sir I extremely regret to be compelled
to make you acquainted with the following
case and to ask your kind assistance
in it: Mr A. E. Rice of your Legation
is indebted to this Hotel in the sum of
$135.29 for Board lodging &c and $36.5
for cash advanced. The first item has
accumulated to its present sum
from Oct 1873 & the latter I lent Mr
Rice in October presumedly for a few days
and in the same way in which I accommodate
any person stopping in the Hotel.
In answer to my applications for payment
Mr Rice has replied by promise after promise
not one of which he has kept and now he
does not even reply to my letters.
I have waited now nearly 10 months but my
patience is quite exhausted as I am
not able to place the least reliance in

promises of Mr Rice.

I have been informed that I cannot proceed for the recovery of the debt in the ordinary way as Mr Rice could throw himself upon protection of his position as a member of the U. S. Legation, and thus I am compelled trouble you in the matter and venture ask you kind offices in behalf of the Hotel.

Awaiting the favour of your reply

I have the honor to be

Sir,

Your very obedient Servant

Johns

Manager

Yokohama July 13. 1874.

Encloses Claims in accot. of Mr. Hayst. of Hotel by Rice.

Received July 15th

Mr Pratt

Ack
in Sept
Am C
& to 107.

U. S. Legation, Japan,
Tokei, August 2. 1874.

Mr Bingham
to the
Hon. Secretary of State.

Subject.

Instructions 44 to 51 inclusive
received.

No 107.

U. S. Legation, Japan,
Tokei, August 2, 1874.

Sir:

I have the honor to acknowledge the receipt of Instructions 44, 45, 46, 47, 48, 49, 50 and 51 and of copy of an act making appropriations for the consular and diplomatic service for the year ending June 30, 1875, &c.

I am, Sir,
Your obedient servant,
Wm. A. Bingham.

The Honorable
The Secretary of State.

McRatt

Rob. The last payment of $125.000 marks the nyet instalment I appear to be in full of the payments of the yellow indemnity. The Mikado conducted himself in Hungerford Sept 12 Did so Sep 12

U. S. Legation, Japan,

Tokei, Aug. 12, 1874.

Sir

I 81.546.17.6

10.666.66
250.000 —
125. —

385 666.66
5 833.33

392.499.99

Mr Bingham says

392.499.99.

Please Examine No 108 and see whether Mr. Bingham is not wrong in the proofs and he says has been paid by $100

Payment of the ...ibyte.

1. Mr ... ingham

2. Mr B. to Mr T. July 30/74.

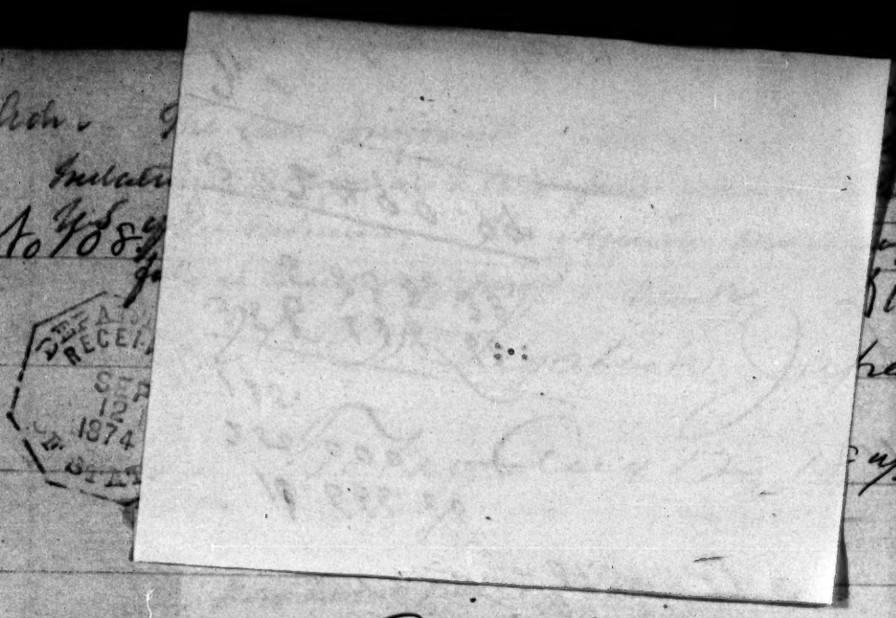
3. Sir H Parkes to Mr Bingham

Aug. 4. 1874.

4 Mr Roberton to Mr Bingham

Aug.

FOREIGN Relations '74



Mr Bingham

to the

Hon. Secretary of State.

FOREIGN Relations '74

Subject.

Payment of last instalment of the Simonoseki Indemnity &c.

Enclosures.

1. Mr Terashima to Mr Bingham July 27. 1874.
2. Mr B. to Mr T. July 30/74.
3. Sir H. Parkes to Mr Bingham Aug. 4. 1874.
4. Mr Robertson to Mr Bingham Aug.

Aug. 1. 1874.

5. Certificate of Exchange Aug 8/74.

6. McDonald & Dare to Mr Robertson Aug 5. 1874.

7. Mr Bland to same, Aug 5/74.

8. Mr Bingham to Morton Rose and Co, Aug. 13. 1874.

No 108.

U. S. Legation, Japan,
Tokei, Aug. 13, 1874.

Sir:

I received a communication of date the 27th ultimo from the Minister for Foreign Affairs (Enclosure No 1,) enquiring whether it was my wish to receive the remaining instalment of the Simonoseki Indemnity, due the last of July, amounting to One hundred and twenty five thousand dollars, and asking

1/108

25.000

From

The Honorable
The Secretary of State.

from me, on the receipt thereof, an acknowledgment that the Indemnity to the United States had been received in full. To this
2/108 I made reply (Enclosure No 2.) on the 30th ultimo to the effect that I would receive the remaining instalment and would receipt, thereafter, for all the money paid to me as having been paid as the balance in full of the Simonoseki Indemnity, subject, however, to the approval of my Government.

108

108

On the 4th inst. I received a communication from Sir Harry Parkes informing

informing me that he had
deposited another amount
of Five thousand eight hundred
and thirty three 33/100 dollars
($5833 33/100) on account of the
Simonoseki Indemnity, to
my credit in the Oriental
108 Bank at Yokohama (Enc. No 3.)
I also received a letter
108 (Enclosure No 4.) from J. Rob-
ertson, Esq., the agent of that
Bank, notifying me of his re-
ceipt from the Japanese
Minister for Foreign Affairs
of the sum of One hundred
and twenty five thousand
dollars ($125000) which was
there set to my account
as Minister of the United
States

States. On the 8th instant, in pursuance of your instructions, I negotiated with the Oriental Bank in Exchange on London for an amount equivalent to One hundred and thirty thousand Eight hundred and thirty three $\frac{93}{100}$ dollars ($130.833 93/100) and received on that day a bill of exchange on the Bank of England, dated Aug. 8, 1874, payable on demand to my order, for Twenty six thousand nine hundred and eighty four pounds, seven shillings and six pence sterling (£26984-7/6) a copy of Mr Roberton's certificate of exchange together with

with copies of two letters
from Brokers are herewith,
(Enclosures 5, 6 and 7.) In ac-
cordance with your in-
structions I have forwarded
this bill (in letter of this
date - Enclosure No 8.) to
Messrs Morton, Rose and
Co, endorsed by me to
them, with request that
they will place the same
to the credit of the United
States.

I beg leave to call
your attention to my No 94,
of date June 14, notifying you
of the two several amounts
received by me up to that
date from Sir Harry
Parkes

Parkes on account of the Indemnity, amounting in gross to ($11666 66/100) Eleven thousand six hundred and sixty six 66/100 dollars, for which amount I obtained exchange on London for Two thousand four hundred and seventy nine pounds three shillings and four pence (£2479-3/4) Sterling, and remitted the same to Messrs Morton, Rose and Co, at that date, for the use of the United States. I have the honor to call your attention also to my No 97, dated the 7th ult., in which I acquainted you that I had received from the

the Minister for Foreign
Affairs Two hundred and
fifty thousand dollars
($250.000) and that for
that sum I had obtained
exchange on London to the
amount of Fifty two
thousand and eighty three
pounds, six shillings and
eightpence (£52 083-6/8.)
sterling, which bill I for-
warded, duly endorsed,
to Messrs Morton, Rose
and Co., to be placed to
the credit of the United
States. You will observe,
therefore, that the gross
amount of exchange, including
the three bills of exchange
herein

herein mentioned, remitted
by me to Messrs Morton,
Rose and Co for the use of
the United States, in
Eighty one thousand five
hundred and forty pounds,
seventeen shillings and six
pence (£81546-17/6) sterling,
being the equivalent of the
whole amount received by
me from Sir Harvey
Parkes and the Minister
for Foreign Affairs, viz:
Three hundred and ninety
two thousand four hun-
dred and ninety nine 99/100
dollars ($392499 99/100). In
these several instances it
has been my care to
negotiate

391.499.99.

negotiate for exchange on London on terms the most advantageous possible to the United States.

You will notice that the Minister for Foreign Affairs requires an acknowledgment of the full payment of the Indemnity, and that in my letter to him 408 of the 30th ultimo (Enclosure 2,) I notify him of my readiness to receive the payment as in full upon his representation, subject, however, to your approval, giving as my reason for thus qualifying my receipt the fact "that I have no means

of

"of knowing the exact amount
"of the unpaid balance" of the
Indemnity.

Should the amounts
thus received and account=
ed for by me be the balance,
(as I suppose the fact to be)
of the Simonoseki Indemnity,
I have the honor to request
that you will authorize me
to acknowledge the same
to the Japanese Minister
for Foreign Affairs to be
in full payment and dis=
charge of the indemnity =
agreed to be paid by the Gov=
ernment of Japan to the
United States."

I am, Sir, Your obt. servant.

Wm. A. Pierpoint

No 108.

Enclosure No 1.

Copy.
Translation.

Foreign Department, Tokio,
the 27th the 7th Month
the 7th year of Meiji.
[July 27. 1874]

Your Excellency:

I have the honor to request Your Excellency to inform me whether it is your wish that the remaining instalment of the Simonoseki Indemnity, amounting to one hundred and twenty five thousand dollars ($125000,) and due at the end of the 7th month, shall be paid to you in the same manner in

H.E. John A. Bingham
E. E. & M. P.
of the United States.

which the last payment was made.

I beg leave to add that on receipt of the final instalment, Your Excellency will be pleased to furnish me with a written acknowledgment that the indemnity to your Government has been received in full.

With respect and consideration,

(Signed) Terashima Munenori,

H. I. J. M's Minister

for Foreign Affairs.

No 108.

Enclosure No 2.

Copy.

No 57.

United States Legation,
Tokei, July 30, 1874.

Your Excellency:

In reply to your letter of the 27th inst. I have the honor to say that under the instructions from my Government it is made my duty to receive from Your Excellency an amount equivalent to the amount paid to either of the parties to the settlement of the Simonoseki Indemnity. Therefore, in compliance with Your Ex=

cellency's

His Excellency
Terashima Munenori,

&c &c &c

cellency's request, I have the honor to say that Your Excellency may make payment by depositing the same in the Oriental Bank Corporation subject to my order.

I have the honor to inform Your Excellency that I will receipt for the amount which I have received and may receive as having been paid to me in full of the Simonoseki Indemnity, subject, however, to the approval of my Government. I have no means of knowing the exact amount of the unpaid balance, but do not doubt that Your Excellency will state it correctly.

I have the honor to be
Your Excellency's obt. servant,
(Signed) Jno. A Bingham

No 108.

Enclosure No 3.

Copy.

Yedo, Aug. 4, 1874.

Sir:

Having been informed by the Agent of the Oriental Bank at Yokohama that he has received from the Vice Minister for Foreign Affairs, on my account, another instalment of the Simonoseki Indemnity, amounting to one hundred and twenty five thousand dollars, I have the honor to inform you that for the reasons stated in my despatch to you of the 23rd February last, I have instructed the Manager of the Oriental Bank to pay over to you the sum of five thousand eight hundred and thirty three dollars and thirty three cents.

I have the honor to be,

Sir,

Sir,

Your most obedient Servant,

(Signed.) Harry S. Parkes.

Hon. John A. Bingham,

&c &c &c

No 108.

Copy. Enclosure No 4.

Hon. John A. Bingham,
U. S. Minister,
Tokei.

Dear Sir:

I beg to advise on having credited your account as Minister of the United States with the sum of one hundred and twenty five thousand Mexican dollars ($125000) being amount received from the Japanese Ministry for Foreign Affairs.

Yours faithfully,
(signed) J. Robertson
Agent.

Oriental Bank Corporation,
Yokohama August 1. 1874.

Duplicate

No 108.

Enclosure No 5

Oriental Bank Corporation.

All Letters to be addressed and Remittances made payable to "ORIENTAL BANK CORPORATION"

Yokohama 8th Augt 1874

I hereby certify that Draft No Gt. 06764 £ 26984. 7. 6 has today been issued in favor of The Hon. John A Bingham, being the Equivalent of $130.833.33 @ the current Exchange of 4/1½ per Dollar.

FOR THE ORIENTAL BANK CORPORATION

AGENT

I have given you the advantage of the rate since the date of the accompanying Orders Letters as arranged.

No

Enclosure No 6.

Copy.

Yokohama,
5th August, 1874.

To the
Manager of the
Oriental Bank Corporation,

Sir:

The least rate obtainable for any large amount of Bank Bills at sight, would not, we consider, be better than 4/1¼ (four shillings and a penny, ¼ farthing.)

We are, Sir,
Yours very truly,
(Signed) McDonald Cox & Dare.
Bill & Bullion Brokers.

No

Enclosure No 7.

Copy.

Yokohama, 5 August, 1874.

John Robertson, Esq,
Manager of the
Oriental Bank,

Sir:

I consider the rate for Bank Bills on London at sight today to be 4/1 1/4 per dollar.

Yours faithfully
(signed) Charles S. Bland.

No 108.

Enclosure No 8.

Copy.
No 98.

United States Legation,
Tokei, August 12, 1874.

Messrs Morton, Rose & Co,
Bartholomew Lane,
London, E. C.

Gentlemen:

Enclosed please find first of Exchange for the sum of Twenty six thousand nine hundred and eighty four pounds, seven shillings and sixpence (£26984-7/6) sterling, Aug 8. 1874. drawn by the Oriental Bank Corporation at Yokohama to my order, payable on demand, and by me endorsed to you, to be set to the credit of the United States of America.

You will note that

on

on the 17th June and the 7th July I forwarded to you two sums to be placed to the credit of the United States, one for Two thousand four hundred and seventy nine pounds three shillings and four pence (£2479-3/4,) sterling, and the other for Fifty two thousand and eighty three pounds, six shillings and eight pence (£52083-6/8,) sterling, which I trust you received.

I am, Gentlemen,
Your obedient servant,
(signed,) John A. Bingham.

Enclosure.
First of exchange for £26984-7/6)
August 8th, 1864.

Mr Pratt

Ask Dept June
No 109.

U. S. Legation, Japan,
Tokei, Aug. 13, 1874.

Mr Bingham
to the
Hon. Secretary of State.

Subject.
Arrival of T. B. Van Buren, Esq.,
and application to Jap. Govt.
for his exequatur.

Enclosure.
Exequatur to Mr Van Buren.

No. 109.

U. S. Legation in Japan,
Tokei, Aug. 13, 1874.

Sir:

I have the honor to acknowledge the receipt of Instructions 44 and 46, dated the 11th and 27th of June, respectively, enclosing the commissions of Thos. B. Van Buren Esq., as Consul and Consul General of the United States at Kanagawa. On the 3rd instant I received from Mr Van Buren a letter notifying me of his

The Honorable
The Secretary of State.

his arrival at his post of duty. On the 4th inst. I informed the Minister for Foreign Affairs that Mr Van Buren had been duly appointed and commissioned to be Consul General of the United States at Kanagawa, and requested an Exequatur on his behalf. On the same day I received from the Minister for Foreign Affairs, under the seal of his office, an Exequatur to Mr Van Buren as Consul General of the United States which I at once transmitted to Mr Van Buren, who immediately

immediately thereafter entered upon the discharge of the duties of his office.

I enclose herewith a copy of the Exequatur.

I am, Sir,

Your obedient servant,

Wm. A. Pinghame

No 109.

Enclosure.

Copy.

Translation.

Exequatur.

The undersigned, Minister for Foreign Affairs of His Majesty the Emperor of Japan, having reported to His Majesty the Emperor the contents of the commission given on the 14th June, 1874, by which His Excellency the President of the United States of America has appointed Mr Thomas B. Van Buren Consul General of the United States of America in Kanagawa,

The undersigned hereby certifies that His Majesty the Emperor of Japan authorizes him to exercise the functions conferred upon him and admits

him to the advantages and privileges inherent to his office, and commands the authorities to recognize the said Mr Thomas B. Van Buren in his capacity of Consul General of the United States of America in Kanagawa, and to aid him in the performance of his functions.

Given at the Foreign Office at Tokio the 4th day of the 8th month of the 17th year of Meiji; 2584th year of the accession of His Majesty the Emperor Jimmu.

(Signed) Terashima Munenori,
H. I. J. M's Minister
for Foreign Affairs.

No 110. Asiatic 8

Dr Pratt

U. S. Legation, Japan,
Tokei, Aug. 13, 1874.

Mr Bingham
to the
Hon. Secretary of State.

Subject.

Arrival of Genl. Myers & Col. Ly=
ford with presents for Emperor,
their presentation at Court
banquets &c given in their
honor.

Enclosures.

1. Mr Bingham to the M. F. A.
Aug 4. 1874
2. The M. F. A. to Mr Bingham
Aug.

Aug. 9. 1874.

S. M. F. A. to Mr B, Aug 9. 1874.

No 110.

U. S. Legation, Japan,
Tokei, Aug. 13, 1874.

Sir:

I have the honor to inform you that on the 4th inst. Brevet Brigadier General William Myers and Brevet Lieutenant Colonel Lyford, United States Army, called upon me, bearing with them a commission issued by order of the President through the War Department, of date June 22, 1874, charging these gentlemen

The Honorable
The Secretary of State.

gentlemen with the presentation of arms and other military stores prepared by the War Department, to His Imperial Majesty the Mikado and other high officials of the Japanese Empire, and also directing them to visit and examine the military organization and works of the Empire of Japan to such extent as might be agreeable to this Government &c. I respectfully desire to make known through the Department to the Honorable the Secretary of War that on the 4th instant I communicated to the Minister for

Foreign

Foreign Affairs the arrival of these gentlemen and made known to him the object of their visit and especially the duties with which they had been charged by the President, and requested on their behalf that the Emperor might be advised of the action of the President, and that these gentlemen might be presented to His Imperial Majesty, and might be authorized to make examination of the military organization and works of the
1/110 Empire &c. (Enclosure No. 1.)
On the 9th inst. I received a letter from the Minister for Foreign Affairs acknowledging

edging the receipt of my communication and informing me that the passports requested in behalf of General Myers and Colonel Lyford, to travel throughout the Empire, would be furnished to them; and expressing great satisfaction on account of this action of the President (Enclosure No 2).

2/110

On the same date I received another communication from the Minister for Foreign Affairs, to the effect that His Imperial Majesty would be pleased to receive on the 10th instant at his Palace General Myers and Colonel Lyford

Lyford in company with my=
self and Secretary (Enclosure
No. 3.)

It affords me great=
pleasure to say that im=
mediately upon my making
known the mission of Genl.
Myers and Col. Lyford, they
were made the guests of
the Emperor and apart=
ments were assigned to them
in His Imperial Majesty's
Palace at Hamagoten.

I have the honor
to further report that on
the 10th inst. I accompanied
Genl. Myers and Col. Lyford
to the Palace of the Emperor,
where they were most cordially
received

received by the officers of the Imperial Court, in the presence of whom I had the honor and pleasure of presenting Genl. Myers and Col. Lyford to the Emperor, who received them, with in his audience rooms every mark of regard and satisfaction. At this audience General Myers most appropriately and felicitously made known to the Emperor that Colonel Lyford and himself had been commissioned by the President of the United States to present to His Imperial Majesty arms and other military stores and

to

to make such Examination as might be agreeable to His Imperial Majesty of the military organization and works of his Empire; and assuring him that the action of the President was in the spirit of kindness and good will.

The Emperor immediately responded, assuring General Myers and Colonel Lyford that he counted it a great pleasure to receive them and would be glad to furnish them every facility possible to make the examinations with which they were charged, and expressing his great satisfaction for this renewed

assurance of the good will of the President and the people of the United States, of which he had heretofore received so many evidences. His Majesty also particularly made mention of the kindness which General Myers, under the direction of his superior officers, had shown to the Japanese Embassy when in the United States.

Having concluded his remarks to General Myers and Colonel Lyford, the Emperor was pleased to address me and to thank me for attending these

these gentlemen to his Court,
and expressing the hope
that I might continue to
be in health. I responded,
thanking His Majesty for
the courtesy with which
he had received these offi=
cers of the United States
Army, for his expressions
of good will to the Pres=
ident and people of the
United States, and for
his kindness to myself
personally; and tendered
to him the assurance
that he had the best
wishes of the President and
people of the United States
for the prosperity of himself
and

and the people of this Em-
pire.

On the same day a
banquet was given to
General Myers and Colonel
Lyford in the castle
grounds, which was at-
tended by Sanjo, Prime
Minister, Iwakura and
other high officials
of the Empire and by
myself and Secretary.
As a further manifes-
tation of the good
purposes of this Gov-
ernment toward our
people and these rep-
resentatives commissioned
by the President, an
official

official reception at the Summer Palace has been ordered to be given to General Myers and Colonel Lyford on the evening of the 14th inst., of which I have been duly notified.

I am, Sir,

Your obedient servant,

Jno. A. Bingham

No 110.

Enclosure 1.

Copy.

No 59.

United States Legation,
Yokei, Aug. 4, 1874.

Your Excellency:

I respectfully acquaint you with the fact that Bvt. Brig. Gen. Wm. Myers and Lieut. Col. S.C. Lyford, U.S.A., have been selected by the President to take charge of the arms and other military stores which have been prepared by the Department of War for presentation to His Imperial Majesty the Mikado and other high officials of the Japanese Empire and to accompany the same to the seat of Govt. of Japan.

These gentlemen are required by the President, after they shall have executed

E. Terashima Munenori

their

&c &c &c

their commission in this be-
half to visit & Examine the
military organization and
works of Japan, to such an
extent as it may be the
pleasure of Your Excellency's
Govt. to permit.

It gives me pleasure
to say that these gentlemen, to
whom the President has com-
mitted this honorable mission,
have arrived at Yokohama with
the arms &c. and are ready to
present the same as directed
by the President, whenever it
may be H.I.M's pleasure to
receive them. I have the
honor to request that Y.E will
make known to H.I.M. this
action of the President, and
that a day, as early as may be
convenient, may be named, when
Genl. Myers & Lt Col Lyford may
deliver the arms and be
presented, together with
myself

myself and Secretary, to H.I.M. I have the honor further to request that a permit may be issued by Y.E. to these gentlemen to travel throughout the Empire & to make such examination of the military organization and works of the Empire of Japan as may be agreeable to Y.E.'s Govt., to the end that they may, in obedience to their orders, make report thereof to the War Dept. of the United States. I need not assure Y.E. that all this is proposed by my Govt. in a spirit of kindness and good will to Japan.

I have the honor to communicate herewith, for Y.Ex's information, a copy of the Commission and instructions of the President (through the Honorable the Secy. of

of War.) to Genl. Myers and
Lt. Col. Lyford.

I have the honor to be
Your Excellency's obt. Servt.
(Signed.) Jno. A. Bingham

Enclosure
Mr Belknap to Genl Myers
and Lt. Col. Lyford. June 22/74.

No 110.

Enclosure No 2.

Copy.

Translation.

Foreign Office the 9th
8th Month of the 7th
year of Meiji. [Aug 9. 1874]

To His Excellency
John A. Bingham,
Envoy Extraordinary
and Minister Plenipotentiary
of the United States of America.

Sir:

I have the honor to acknowledge the receipt of Your Excellency's despatch dated the 4th instant, informing me that General Williams Myers and another gentleman, of the United States Army, desire to be presented at the Imperial Palace together with Your Excellency and your Secretary for presentation of arms and other military stores

prepared by the War Department of the United States, to His Majesty the Emperor of Japan, and to our other high officials.

In reply I have to inform you that I will report to His Majesty the subject of the commission for the said two military officers who were commissioned by the President of the United States for presentation of military arms &c to His Majesty and high officials, and I will then inform you of the day on which the proposed presentation may be made.

I have further to inform you that according to your request, I will furnish the passport to the said two gentlemen who desire to travel into the interior of Japan, but that as to their visit and examination of the military organ-

izations and works of the Japanese Empire, I should first communicate with the proper officers on the subject, and that as early as possible I will inform the said gentlemen of the reasonable localities which will be available to them.

At the time I recog= nize with greatest satis= faction in the said presentation of arms to His Majesty and high officials by the President of the United States through the hands of the said Commissioners, as Ex= hibiting a friendly spirit, which should more closely connect both countries.

With great respect,

Signed. Terashima Munenori,

H. I. J. M.'s Minister

for Foreign Affairs.

No 110.

Enclosure No 3

Copy.

Translation.

The 9th 8th month
7th year Meiji.
[Aug. 9. 1874]

Your Excellency:

I have the
honor to inform Y. E. that
H.M. the Emperor of Japan
expresses his great pleasure
to receive at his Imperial
Court General William
Myers and Lieutenant
Colonel Lyford, in company
with Y. E. on the 10th at
10 o'clock, tomorrow

With respect & consideration

(Signed) Terashima Munenori,
H.J.M.'s Min. for For. Affs.

To H.E.
John A Bingham

ack 12 Sept from

Copy & enclosures sent to Secy Treasury Oct. 3.

Mr Pratt ack Sept. 12.

No 111

U. S. Legation, Japan,
Tokei, August 13. 1874.

DEPARTMENT OF STATE RECEIVED SEP 15 1874

Mr Bingham
to the
Hon. Secretary of State.

Subject.
Yokohama tea report —

July 17 to July 31.

Enclosure.
Tea report —

No 111.

U. S. Legation, Japan.
Tokei, August 13, 1874.

Sir:

I have the honor to transmit herewith abstract of the prices current of teas at Yokohama from the 17th to the 31st ultimo.

I am, Sir,
Your obedient servant,
Wm. A. Bingham

The Honorable
The Secretary of State.

No 111

Enclosure.

Abstract of prices current of tea at Yokohama from July 17 to July 31.

Grade	Price.
Common	$25 to $27
Good Common	28 " 30
Medium	31 " 33
Good Medium	35 " 37
Fine	38 " 41
Finest	44 " 48
Choice	50 and upwards.

Prices are in Mexican dollars and per picul.

Rec'd October 9.

No 112. Mr Pratt

U. S. Legation Japan,

Tokei, August 18, 1874.

DEPARTMENT OF STATE
RECEIVED
SEP 17 1874

Mr Bingham

to the

Hon. Secretary of State.

Subject.

Arrest of Le Gendre by U. S. Consul at Amoy.

Enclosures.

1. M. F. A. to Mr Bingham
August 15, 1874.
2. Mr Bingham to the M. F. A.
August 18. 1874.

No 112.

U. S. Legation, Japan,
Tokei, August 18, 1874.

Sir:

I have the honor to inform you of the receipt by me of a despatch from His Excellency the Minister for Foreign Affairs, of date the 15th inst. (Enclosure No 1) to which I have replied by a letter of this date (Enclosure No 2.)

1/112

2/112

You will observe that it appears that, for the cause

The Honorable
The Secretary of State.

cause unknown to Mr. Terashima. General Le Gendre, who has recently gone to China in the service of the Japanese Government, has been arrested at Amoy by order of the United States Consul at that port. I have no knowledge of the arrest further than the statements by Mr. Terashima in the enclosed communication. Nor have I any knowledge of the special mission of General Le Gendre to China, save the explanation of the Minister, that he recently left Yedo "for Fukien of China," carrying a

a commission" to meet with
"Le Toh Nien, Viceroy of Fuhkien,
"and Wan Tah, Tartar General,
"and to explain to them
"the facts with a view to remove
"a difference existing between
"China and Japan regarding
"the Formosan affair".

On the 22d April last, as I have hitherto informed you in my No 78, General Le Gendre, on my protest and request, was by order of this Government, detached from service in the military and hostile Expedition to Formosa. He thereafter returned from Nagasaki to Yedo, not

proceeding

proceeding to China, and remained here until about the 1st instant, when he proceeded to Amoy under this commission to the Viceroy of Formosa &c. The presumption is that our Consul, upon a complaint of the officials of China, arrested Le Gendre on the information that he was still in the service of the Japanese expedition as a military officer. That this Expedition, now that the responsibility has been officially assumed by this Government, is an act of war by Japan on China does not seem to admit

admit of doubt; and that a citizen of the United States, who joins it in China as a military officer, thereby makes war upon China within the meaning and intent of the twenty fourth section of the Act of 1860, is, to my mind, also very clear. This may furnish the reason for the arrest, and, if the Consul was mistaken in the facts he will, doubtless, so declare, and discharge Le Gendre.

It is rumored here that General Le Gendre was at once admitted to bail and discharged from custody.

Wade

War seems almost inevitable between China and Japan. Should such calamity come, I fear it will be attended with serious disaster to Japan. I have endeavored to avert it, and have only to say that as I have good reason to believe that, after my protests of the 18th and 19th of April last, the Daijo Kuan resolved and ordered, not only that the American vessel "New York" and the American citizens employed in the Expedition should be detached from that service, but also that the Expedition

Expedition should not pro=
ceed to Formosa, but should
remain at Nagasaki until
further orders, and that the
Government of Japan would
first obtain the assent of
China to an Expedition against
the savages of Formosa, before
proceeding thither with a
view to obtaining redress for
grievances. But, I regret to
add, the Expedition sailed
from Nagasaki in defiance,
as I believe, of the orders
of the Government.

I have endeavored, in verbal
communications, to advise
this Government, that, having
now invaded the territory, occupied by

by the savages of Formosa, and having inflicted punishment upon them, Japan should order a return of her troops. This suggestion seemed to meet the approval of two of the Ministers, but, unhappily, has not yet been acted upon by the Government.

I am, Sir,

Your obedient servant,

Wm. A. Bridgman

No 112 Enclosure No 1.

Copy.

Translation.

The 15th 8th Month
the 7th year of Meiji.

Your Excellency:

I have the honor to inform Y. E. that I am in great surprise to learn from telegram received from the Japanese Consul at Amoy that, though it is cause unknown to me, General LeGendre, in the service of the Japanese Government and who has recently left here for Fukien of China, carrying a commission to meet with Le Toh Nien, Viceroy of Fukkien, and Wan Yah, Tartar General, and to explain to them

His Excellency
John A. Bingham

them the facts with a view to remove a difference existing between China and Japan regarding the Formosan affair, has been arrested on his arrival at Amoy on the 5th inst. by United States Consul at that port, under instructions from the United States Minister at Peking.

It has been brought under my notice by H. E. that none of the American citizens will be allowed to attach to the Japanese army and to proceed toward Formosa, and I understand that you will have no objection to the commission of the United States citizens to another country for the quiet and amicable undertaking without any hostile intent.

In my belief that the United States Govt. would have

have no objection to engage General LeGendre for the said undertaking, he was Commissioned.

Your Excellency will be pleased to understand the foregoing facts and to obtain information from the United States Minister in China as to the reasons for General LeGendre's arrest.

With respect &c/ Consideration,

(Signed) Terashima Munenori

H. I. J. M. Minister for Foreign Affairs.

No 112. Enclosure No 2.

Copy.

No 67. United States Legation,
Tokei, August 18, 1874.

Sowe Excellency:

I have the honor to acknowledge the receipt of yowe note of the 15th inst., in which you inform me that you have been notified by telegram that General Le Gendre, in the service of the Japanese Government has been arrested at Amoy by the American Consul, for cause to you unknown.

I have no knowledge of this event, but shall bring it to the attention of my Government

His Excellency
Terashima Munenori,
H. I. J. M. Minister
for Foreign Affairs.

Government.

In the absence of any information whatever relative to the subject, I feel justified in saying that the arrest, if made, was not ordered in any spirit of hostility to Japan, but for some cause appearing to the Consul to require it, in obedience to his instructions and to the requirements of the laws of his country.

Hoping that no wrong may be done to Japan or to General Lelsendre as an officer of Your Excellency's Government,

I have the honor to be

Your Excellency's

obedient servant,

Signed. Jno. A Bingham

Copy of Enclosure sent to Secy Treasury October 3.

Mr Pratt Asst. October 5th.

No 113.

U. S. Legation, Japan,
Tokei, Aug. 18, 1874.

Mr Bingham
to the
Hon. Secretary of State.

Subject.
Tea report - Yokohama -
July 31 - Aug. 12.

Enclosure
Abstract of prices current.

No 113.

U. S. Legation, Japan,
Tokei. Aug. 18, 1874.

The Honorable
The Secretary of State,
Washington, D.C.

Sir:

I have the honor to forward herewith abstract of prices current of teas at Yokohama from the 31st ult. to the 12th inst.

I am, Sir,
Your obedient servant,
Jno. A. Bingham

No 113.

Enclosure.

Abstract of prices current of teas at Yokohama, July 31 to August 12.

Grade	Price.
Common	$25- to $27
Good Common	29 " 31
Medium	32 " 35-
Good Medium	36 " 38
Fine	40 " 42
Finest	45 " 48
Choice	50 and upwards.

Prices are in Mexican dollars and per picul.

Ack f. Lesly
41c. 13 Oct

Copy sent to Genl Schenck Confidentially
Oct 29.

ack Oct 14.
McPratt

No 114.

U. S. Legation, Japan.
Tokei, August 31, 1874.

Mr Bingham
to the
Hon. Secretary of State.

Confidential

Subject.

A Memo. by Mr Marshall to Lord Derby setting forth the condition of Japan and the best course for European Powers to pursue in the treaty revision &c. in order to increase their own and diminish American influence. Also joint note on treaty revision to Ministers for F. A. by Diplomatic

Body, seeking a renewal of the discussion upon opening the interior to foreign travel and trade; and Mr Bingham's addition thereto.

Enclosures.

1. Mr Marshall's Memorandum.
2. Note of Foreign Representatives to the M. F. A. Aug. 14. 1874.
3. Mr Bingham to the M. F. A. August 15. 1874.

No 114.

U. S. Legation, Japan,
Tokei, August 31, 1874.

Sir:

I have the honor to invite your attention to the several enclosures herewith (1, 2 and 3) on the subject of the treaty revision.

2/114
3/114

1/114

The first of these is a report made to the Japanese Government by Mr Frederick Marshall, an English subject, connected with the Japanese Legation in France.

This report was handed to me The Honorable The Secretary of State.

me privately by the Foreign Office, to enable me to examine it, and to make a copy and to communicate privately to the Department.

Presuming that Mr Marshall's report but reflects the opinions and thoughts of Lord Derby, it will not escape your observation that his Lordship, as therein reported, has concluded that Japan is not yet in a condition to be treated on a footing of equality by the Western Powers; that England does not favor postal conventions with Japan, and that the present Customs tariff might be modified and

politely

possibly changed altogether.
It seems to me that the time
has come when Japan is in
a condition to be treated
on a footing of equality by
the Western Powers in respect
to her right to regulate her
foreign commerce by laws of
her own enactment — a right
essential to sovereignty and
which is asserted by every
Western Treaty Power and
never has been surrendered
by one of them to any other
Power, save by a voluntary
reciprocity treaty. Why
should any of the Powers long-
er insist upon the hard
terms of the Convention of
1866?

1866? If Japan is to be con-
sidered in a condition to
be treated with as a sover-
eignty, she ought at this
day, after holding treaty
relations for twenty years,
to be considered capable of
regulating by just laws her
duties upon imports and
exports. It does seem like
injustice to ask Japan to
surrender her sovereignty
within her own domain in
the interior, without giving
back to her the power, as
essential to her own pros-
perity, of regulating by just
and equal laws her foreign
commerce. In the revision

of

of the treaties would it not be just and politic to release Japan from the harsh and oppressive restrictions upon her commercial powers imposed by the convention of 1866, upon her consenting to open the whole Empire to travel, trade, occupation &c., subject to the extraterritorial jurisdiction of the Foreign Powers over their own citizens or subjects? Should the United States join Europe in a demand that Japan shall surrender, substantially, what little sovereignty it left to her under existing treaties and receive no equivalent in return? The joint note herewith

Certainly.

1114

certainly contemplates this
and hence I signed it especially
referring to the qualification
Expressed in my inclosed
3/114 note of date the 15th inst.
You will notice that I
therein propose that what
has hitherto been denied by
European Powers shall be
agreed to, that the laws
of Japan (not inconsistent
with the treaties or with
justice,) shall be supreme
in Japan and that their
prompt enforcement shall be
assured by the Treaty Powers
in all cases as against
their respective subjects or
citizens residing in the
Empire

Empire. It seems like ap-
pression to refuse this,
together with the right
to regulate her foreign
commerce, to Japan; and
yet by the joint note it
is refused, and thereby
Japan is asked to yield up
all that remains under
existing treaties to her
of sovereign power, and
receive nothing in return.

Our treaties of
1854 and 1858 were negotiated
with Japan without the
co-operation of any European
Power, and now it seems
that Japan (as I have hereto-
fore intimated,) is desirous
to

to treat first with the United States, and, accordingly, insists upon transferring the negotiations to the several Foreign Powers, to be there concluded by her own Representatives duly accredited thereto. You will observe in the joint note the words, "We cannot agree "to the interruption of negotiations on the spot &c.", which means that Japan must propose nothing to the Foreign Powers through her Representatives abroad, and that here on the spot nothing is to be considered but the question of travel and

trade

trade by foreigners in the interior! It really seems clear that the European Powers do not intend that Japan shall ever be permitted to regulate her own foreign commerce, or by a system of wise and just regulations invite foreign skill and capital to occupy and develope her great internal resources, but, on the contrary, that they intend to compel Japan to open her ports and country to free trade for the sale here of their surplus products without the payment of any duty. Nothing in the Existing

Condition

condition of Japan can justify this demand, and therefore Lord Derby well says that "the present customs tariff "might be modified and pos= "sibly changed altogether." I regret that his Lordship did not say that justice demands that the convention of 1866, in so far as it restricts the power of Japan to regulate her foreign commerce, should be abrogated, and the essential power of Japan be thereby restored to regulate her foreign commerce by just and reasonable duties.

Without intending to pursue this subject further,

9

I beg to call your attention
to some of Mr Marshall's
observations to Lord Derby,
in substance as follows:
1. The Representatives of the
European Powers have claimed,
not only that the existing
treaties shall remain
virtually unchanged, but
that Japan shall grant
what she has hitherto re-
fused, the opening of the
entire country to foreigners,
subject of course to all
the restrictions upon Japan
of existing treaties (Memorandum
page 3.)
2. That the Japanese Govern-
ment has replied that
it

it will only open the country on the condition of receiving an equivalent - and that in 55-8 it was induced to sign treaties which it did not comprehend, and has thereby been led, partly by force, to consent not only to foreign jurisdiction within its territory, but also to the importation of foreign goods at a very low tariff (Memorandum, pp. 3 and 4.)

3. That the European Ministers appear to be applying their combined strength to overcome the resistance of Japan to this new demand; that "the American Minister,

"however

"however, has taken up a dif=
"ferent line of action; he pro=
"fesses to cordially approve the
"attitude of Japan, he separates
"himself from his colleagues;
"he talks of possible concessions,
"and in this way he is rapidly
"regaining the position and the
"influence which the United
"States used to possess in
"Japan, but which they had
"recently altogether lost."

4. That Japan has discovered that Europe treats her as she does all other Asiatic States, upon a footing of inferiority, and that the existing treaties partially deprive Japan of the sover=

eign

sign rights of independence
(Mems. pp 5-6.)

5. The aggressive and dictatorial attitude of Europeans, Japan has grown to regard with bitterness &c (Mems pp 6-7.)

6. That if France and England could be led to see that their interests in Japan can no longer be served by hard insistance and harsh words, but would yield somewhat to the just demands of Japan, admit that no reason sustains the present customs tariff - that it is sustained by the will of the stronger &c &c (Mems. pp 10, 11 and 12.)

they (France and England) might

might make" an end of American
"influence in Japan, and the
"two great Western Powers
"would instantly (thereby) ob=
"tain there. the confidence and
"esteem which the United
"States are at this moment
"working so skilfully to ac=
"quire. But if the present
"plan of action be continued,
"then the United States
"will reap the fruits of
"its intelligent appreciation
"of the situation" (Memo pp 15-16.)

It needs but
little Examination of this
somewhat remarkable
paper to see that it is
considered important to
do

so modify European policy as to prevent a combination in the East against European aggression, and to put an end to American influence and American interests among the Asiatic Powers.

I may be pardoned for saying that in pursuing the course I have hitherto taken, I supposed I was following your former instructions to ascertain what treaty changes Japan desired and thereby show some regard for the rights and interests of this people. I make this communication not so much to present any views

views of my own, as to possess you of the enclosures, which, in my opinion, fully Expose some at least of the designs of the European Powers upon the great question of controlling the future commerce of the Est. Allow me to add that, in my judgment, a firm adherence to your former instructions, to consider the wishes and interests of Japan, would open to Americans a controlling influence over the commerce and policy of this country.

I am, Sir, Your obedient servant,

M. A. Bingham

No 114. Enclosure No 1.

Copy.

Lord Derby said in substance to Mr Marshall on 28 April.

1. The impression in the Foreign Office is that the recent progress of Japan is rather imaginary than real; in other words, that it is limited to certain material details and does not extend to character, to tendencies or to thought; and that, consequently, Japan is not yet in condition to be treated on a footing of equality by the Western Powers.

2. The English post office authorities are opposed to the idea of a postal convention with Japan.

3. Consular jurisdiction in Japan cannot possibly be abandoned at present.

4. The present Customs tariff might be modified and, possibly, changed altogether.

5. He would give his careful consideration to the arguments invoked: as soon as they are laid before him in writing.

Memorandum.

Japan.

begin

The revision of the treaties with Japan was to have taken place at the commencement of 1873, but the Japanese Govt. postponed it, until the return of the travelling Embassy, which it had sent to Europe and America.

When that Embassy reached Yedo, in September last, the military party in Japan had almost succeeded in inducing the Govt. to declare war against Corea; the members of the Embassy protested energetically against that project, and convinced the Emperor that its realization would be dangerous to Japan

The result was that in October most of the previous Ministers quitted office and were replaced by the members of the Embassy and their friends.
As soon as the new Ministry was installed it shadowed out a policy which differed from that of its predecessors not only on the Corea war question, but on many other subjects also. It became evident that the efforts which had been made by the preceding Govt. to Europeanize Japan by every means and in red hot haste, would not be continued by the present Ministry; that "progress" would be allowed to grow slowly and naturally into shape, instead of being forced upon the people before they were fit to understand or apply it; that resolute efforts would be made to introduce economy and

financial order; and, finally, that resistence would be offered to a renewal of the treaties on their present basis.

This latter question is the only one which it is necessary to develope here.

In pursuing the revision of the treaties the Representatives of the European Powers have claimed not only that the actual condition of those treaties shall remain virtually unchanged, but also that Japan shall grant - what she has hitherto persistently refused - the opening up of the entire country to foreigners. To this the Japanese Govt. has replied, in substance, that it has no longer any real objection to open up the interior of the country, but that it will do so only on condition of obtaining something in exchange. It urges that it

was induced; in 1858, to sign treaties which it did not comprehend; that it has been led, partly by its own ignorance of the real consequences of its acts, partly by the display of force on the part of the Powers, to consent to the jurisdiction of foreign Consuls within its territory, and to the importation of foreign goods at a very low fixed tariff; and it declares that it will grant absolutely nothing more until these two obnoxious Conditions are repealed.

According to the latest news from Yedo, that is still the situation of the question; the negotiation is at a dead lock; neither side will yield.

The Ministers of the various European States appear to be acting all together and to be applying their

combined strength to overcome the resistance of Japan; the American Minister, however, has taken up a different line of action; he professes to cordially approve the attitude of Japan; he separates himself from his colleagues; he talks of possible concessions; and, in this way, he is rapidly regaining the position and the influence which the United States used to possess in Japan, but which they had recently altogether lost.

In order to make the case quite clear, it is essential to explain the motives of this sudden and, indeed, unexpected resistance on the part of the Japanese Govt.
Until the late Embassy came to Europe, no Japanese had any correct idea of the true nature or of the international

bearing of the treaties which bind Japan. The higher classes had vaguely felt that the treaties were one sided, but they did not possess sufficient knowledge of European history or law to be able to measure them with precision. It was not until the members of the Embassy reached Europe, that they were able (Especially during their stay in Paris) to study the question thoroughly. They then perceived that the Japan treaties are but another application of the rules and precedents which Europe has employed toward all Estern Powers since the capitulations were made with Turkey. They discovered that Japan, like other Asiatic States, is treated on a distinct footing of inferiority, and that the treaties deprive her, partially, of the sovereign rights of

independence and jurisdiction which are amongst the most important distinctive signs of national liberty. As soon as these facts became clearly recognized, the old pride of Japan was aroused. She was bound by her signature; she could not escape from the engagements which she had accepted; but she had something still to grant, something which Europe wanted. So when the new Ministry was asked to grant that as well, to open up the entire country, it answered "Yes, when you release me "from the engagements which "you made me sign sixteen "years ago."

And it must be borne in mind that the bitterness with which Japan has now grown to regard the conditions of the treaties has been increased by another cause. The attitude of

Europeans in Japan has been, with few exceptions, aggressive and even dictatorial. The Japanese have, almost invariably, been roughly treated; little consideration and scant courtesy have been shown to them by the resident Europeans, and though they have, thus far, supported this without apparent irritation, the irritation has been real and is now growing to a head. This part of the subject is excessively important for there is no race on earth which is more susceptible to gentle influences or more difficult to lead by harshness than the Japanese. Their high idea of honor, their excessive personal politeness, the softness of manner which is an attribute of their upper classes, are in utter contradiction to the self asserting tone of

mastery which has been generally employed toward them by foreigners since 1858. That tone has heretofore been especially wounding and offensive to them, and we see its consequences in the resolute resistence of their attitude today. This being the position of feeling in Japan, the Govt. considered that amongst other measures proper to restore its dignity and independence it was desirable to propose to France and England to modify the postal arrangements now in force and to conclude conventions for that purpose. There was a two-fold object - first - to put an end to foreign post-offices in Japanese territory, which is felt to constitute an infraction of the most elementary of State privileges; secondly - to assert the moral right of Japan

to negotiate and sign treaties in Europe, through its own Legations, instead of being forced, as hitherto, to deal solely with the representatives of the Powers at Yedo. For both these reasons the Japanese Govt. regards the obtaining of this convention in Europe as a necessary manifestation of its political rights. It has carefully prepared the way for it; a similar convention was signed last year with the United States; American clerks have been engaged to manage the details of the post offices; keen disappointment will be felt if the convention be rejected, and as the French Govt seems disposed to follow England in the matter, the solution lies really in London only. Under these circumstances it is impossible not to feel that the time has come when

a new system of action should
be introduced into the relations
between Europe and Japan.
A deeply rooted antagonism
has grown up between the
Govt. and the Representatives
of the Powers; Japan has discovered
that she has been forced into
agreements which humiliate
her pride, diminish her
influence, and infringe on
her sovereign rights; she has
become, by degrees, intensely
irritated at the personal
tone of superiority and dic-
tation adopted toward her,
and for all these reasons she
refuses to yield another step.
And yet she is perfectly dis-
posed in principle to grant
the very claim which is
now made upon her; her
refusal does not arise from
any difficulty in the claim
itself, but solely from the

circumstances which preceede and accompany that Claim. It has been made in the wrong way; it is accompanied by no set off. So, as the time has passed for managing the Japanese by simple pressure, as their peculiar temperament needs another and a more delicate sort of handling, they reject the Claim, and will continue to reject it until it is put forward in form which satisfies them. If the Govts. of France and England could be induced to consider the entire question under the aspects which are here set forth; if they could be led to see that their interests in Japan can no longer be served by hard insistance and harsh words; if they would consent to adopt henceforth towards

Japan the courteous forms, the conciliatory attitude, the theoretical equality with which they treat their European neighbors, their present obstacles would at once diminish. And if, pursuing those dispositions to the end, France and England would tell Japan that the stipulations of which the complaint shall be effaced from the treaties as soon as possible, those obstacles would disappear altogether and would be immediately replaced by the cordial good will which contented aspirations naturally provoke.

For instance, if the postal convention be regarded from the point of view suggested here, it is difficult to conceive that serious objections could be made to it. The Japanese ask for it as a political satisfaction which they think

is due to them; to refuse it would render still more resolute and bitter the spirit of resistance which has grown up in their hearts. Even if it were imagined that the service would be technically performed somewhat better by preserving the present organization, a consideration such as that (which after all is a purely gratuitous supposition,) could not be held to counterbalance the advantages which would result, in other ways, from a cordial concession of this first request of the Japanese Govt.

And as regards the present customs tariff, no notice other than the will of the stronger can be invoked in favor of its maintenance, while against it Japan

can appeal to the universal practice of the western nations, can urge that she has been made an exception to that practice, and can claim as an inherent right, of which she cannot be dispossessed without injustice, the power of fixing her own tariff under no dictation from abroad, according to her fiscal needs and the requirements of her own trade.

If these two questions were disposed of, there would remain the one grave difficulty of consular jurisdiction, and even that could be approached with vastly increased facility if France and England had already passed their conciliatory dispositions on the other points. When almost every element of a position is a source of difficulty, each difficulty rests upon and augments

all the others; but when once mutual good will has been shown in one or two directions, all the remaining points become easier to deal with. So, in this case, if the postal convention and the tariff had been dealt with satisfactorily, the Japanese Govt. might, perhaps, content itself temporarily with a prospective solution of the grievous bond of Consular jurisdiction. Surely it is not impossible to hold out some hope, some encouragement for the future. Surely it would not be impossible to say frankly to Japan —

"We cannot suppress consular
"jurisdiction all at once; our
"position about it is too com-
"plicated; the interests involved
"in it are too numerous and
"too exacting; but we see no
"reason why it should last
"forever. We are quite ready
"to admit that it is unjust

"to you, and to proclaim that
"we maintain it only as a
"temporary arrangement, and
"in no way as a permanent ins-
"titution. As soon as your new
"code, which you are now preparing,
"shall be completed, as soon as
"you have judges ready to apply
"that code, we will accept a
"system of mixed tribunals as
"a first step toward the
"final abolition of consular
"jurisdiction altogether. And
"to prove to you our sincerity,
"we will endeavor to at once
"arrange with you a basis
"for the formation of those
"tribunals so that they may
"be set to work as soon as
"you are ready."

If France and England decided to adopt such a tone as this, there would be an end of American influence in Japan; the

two great Western Powers would instantly obtain there the confidence and esteem which the United States are at this moment working so skilfully to acquire. But if the present plan of action be continued, then the United States will reap the fruits of its intelligent appreciation of the situation, and the difficulties which have already arisen will become still greater. In that event it may be presumed that Japan will bring into use all the means of passive resistance which she possesses, that she will apply the experience she has obtained by foreign contact, that she will proceed to plead her cause in the European press, and that she will endeavor to form an association of all the Eastern Powers, in order to adopt some plan of common action, of mutual resistance to

the conditions which Europe has imposed upon them all. Fair treatment, fair promises and fair words will render needless any such proceedings. Japan can be opened up to Europeans, the relations of foreign govts. with her can be made thoroughly satisfactory and agreeable, the danger of substitution of American for European influence can be averted, and all this can be achieved by conciliation and by reasonable concessions.

6.

Paris, 6 May, 1874.

The Right Honble. the Earl of Derby,
H.M. Principal Secretary
of State for Foreign Affairs,

My Lord:

In conformity with Your Lordships desire I beg to enclose a Memorandum of the observations which I had the honor to submit to Your Lordship on 28 April. Your Lordship will, perhaps, allow me to repeat that these observations are purely personal to myself; but, though they do not emanate from the Japanese Government, though they are not officially authorized by the Agents of that Govt. in Europe, I may safely assure Your Lordship that they substantially express the truth.

I beg to thank Your

Lordship for permitting me to
bring forward these observations,
and I place myself entirely at
Your Lordship's disposal.

I have the honor to be,
My Lord,
Your Lordship's most obt. servant,
(signed.) Frederic Marshal,

End

No 114.

Enclosure No 2.

Copy.

Yedo, August 14, 1874.

The Undersigned have the honor to acknowledge the receipt of the note of His Excellency the Minister for Foreign Affairs, dated the 13th of July.

H. E. therein informs the Undersigned that after maturely considering the regulations under which the Foreign Representatives had proposed that foreigners should be admitted into the interior of Japan, he had explained to the Undersigned on the 20th of June the objections which his Government entertain to their proposals. That upon

His Excellency

Terashima Munenori.

&c &c &c

further consideration the latter were of opinion that the inconvenience hitherto Experienced with regard to rights of jurisdiction would be increased if a general permission were given to foreigners to travel throughout Japan, but that they thought the practice hitherto pursued, of allowing foreigners to travel in the interior for the sake of health, for learned or scientific investigations, or for other imperative reasons, should not cause great inconvenience to the Undersigned. H. E adds that as it is the wish of the Japanese Government to do all in their power to manifest their friendly disposition towards the Treaty Powers, and to increase the cordiality of the relations between Japan and the foreign Countries,

they will enter on the revision of the treaties at an early date, and that they then intend to extend the existing limits of excursions according to local considerations and the turn that those negotiations may take. Finally, H.E. observes that the Japanese Representatives abroad will be instructed to explain to the Governments to which they are accredited the reasons which render it impossible to extend traveling in the interior to all parts of Japan at the present time.

The Undersigned regret that a years consideration of this subject by the Japanese Government should not have led to a more satisfactory result. They may remind H.E. that it was on the 26th of July, 1873, that all the Foreign Representatives

in Japan addressed their
first note to H. E's predecessor
upon the question of the ad-
mission of foreigners into the
interior. They felt compelled to
do so at that date because the
practice then adopted by the
Japanese Government of admitting
large numbers of foreigners
into the interior, while they
arbitrarily excluded others,
was productive of much in-
justice and inconvenience;
and they also entertained
the hope, as they expressed in
their note, that the treat-
ment received by all classes
of Japanese abroad and the
utter unsuitability of the
treaty limits to the friendly
feelings so long maintained
between foreigners and Japanese
would induce the Japanese
Government to treat the
subject in a liberal manner.

But, while the Foreign Representatives considered that all respectable foreigners should be placed on an equal footing, they were at the same time animated by an earnest desire to afford the Japanese Government ample guarantees that in granting a general right of travel and trade in the interior, the latter should be effectually guarded against any difficulties on points of jurisdiction. The Representatives, therefore, submitted to the Foreign Ministers in September last a draft of a set of regulations which would have given to the Japanese Authorities large powers of control over foreigners when in the interior, and would have amply provided for the correction of any mis-

conduct on the part of the latter. Instead, however, of considering these regulations with the Foreign Representatives, the Foreign Minister forwarded to them a Memorandum in December last, setting forth the inconveniences that might result in granting to foreigners, not amenable to Japanese jurisdiction, the right of residing permanently in the interior and of acquiring land or real estate. The Representatives pointed out, in their note of the 14th Jan., that they had not asked for privileges of this nature, but only for the right of travel and trade, and they again requested H.E. to consider the proposals they had previously submitted to them. Finally, after a further delay of several months, H.E. at the conference of the 20th of June

informed the Foreign Repre=
sentatives that his Government
declined to agree to their
proposals. The reasons for
refusing them, he said, were,
principally, two, first, the
difficulty which the Japanese
Government would meet in
informing foreigners, when
traveling in the interior, of
those local regulations and
customary laws which they
would be bound to observe, and
which differed, as H. E stated, in
every Fu and Ken; and, secondly,
the difficulty of protecting
foreigners, while in the
interior, not only against any
hostility from the people
themselves, but against ill=
treatment on the part of
Japanese officials - especially
police officers. The Foreign
Minister declared that
it would be impossible

for the Japanese Government to issue satisfactory orders to their own officials concerning those parts of the proposed regulations which were intended to protect foreigners when arrested in the interior against ill-usage and undue severity. H.E also observed that Japanese ideas of ill-usage differed from those which are entertained in foreign countries, and he cited, as an instance, the treatment of the native Christians, who were sent into exile by the Japanese Government in 1870, and who were kept for years in prison and were insufficiently fed. This treatment, H.E remarked, had been characterized by foreign nations as cruel and barbarous, but it was not so regarded by the Japanese

Neither of these reasons, however, nor the difficulties of jurisdiction, anticipated by H.E. in his note of the 13th ult., furnish, in the opinion of the Undersigned, conclusive grounds for refusing foreigners admission into the interior of Japan, as they cannot forget that the Japanese Govt. have not allowed considerations of this nature to interfere with the permission to travel in the interior, which they have voluntarily granted for years past to all those foreigners who are in the service of the Japanese Govt. or in the employment of private Japanese.

According to the statements made to the Foreign Representatives by

the Ministers for F.A. at their conference of the 20th of June, 422 foreigners were at that date in the service of the Japanese Government and 244 in the service of private Japanese; of these 666 foreigners, many are residing in the interior of the country, while all have been freely permitted to travel with a passport wherever they pleased; either for official objects or for their own private purposes. The recent substitution of a Foreign Office passport for the general one hitherto held by these foreigners does not affect the question. The broad fact remains, that large numbers of foreigners, all of whom are under foreign jurisdiction, have for several years past

x been voluntarily allowed by the Japanese Govt. to reside in the interior, without any rules having been made for their governance, and without any trouble or inconvenience having resulted to the Japanese Govt. or people. In view, therefore, of this experience, the Undersigned cannot believe that the admission of foreigners generally into the interior, under regulations of the nature proposed by the Foreign Representatives, would give rise to those difficulties of jurisdiction which the Japanese Govt. say they apprehend. If, according to the statement made by H.E. the Minister for F.A. at the conference of the 20th of June, foreigners cannot be safely committed to the x

discretion of native officials when in the interior, or if their admission were likely to involve complications of jurisdiction as H. E. in his note of the 13th of July, appears to apprehend, how is it that such difficulties have not yet occured in the case of the foreigners above named, who, for years past have both resided and traveled in all parts of the country?

With reference to the remark made by H. E. in his note of the 13th of July, that he does not consider that the practice hitherto observed, of permitting foreigners to travel in the interior for the sake of health, learned or scientific investigations, should occasion great inconvenience to the Undersigned, they

beg leave to observe that prior to the receipt of the said note, they had not been made aware of the adoption of this practice by the Japanese Govt. As H.E. has since declared that passports for the purposes of health, investigation, or for pressing reasons will hereafter be granted on the application of any Foreign Representative, the Undersigned feel it to be due to H.E. to observe that they see in this arrangement an improvement in the course hitherto pursued by the Japanese Govt. as it removes the invidious distinction which the latter had previously drawn between foreigners in Japanese employment, whether public or private, and all other foreigners who were not so connected. But the undersigned

shall consider that this ar-
rangement falls far short of
that which the Foreign Represent-
atives proposed to the Japanese
Govt, and which they believe
the latter might grant with-
out fear as to the result.
They cannot agree with the
Japanese Govt. as to the
necessity of allowing for-
eigners to visit the interior
only for the objects above named,
and as a matter of favor
instead of as a general right,
nor can they see any good
reason why foreigners should
still be forbidden - to use
the words of H.E. - to enter
the country for trade and
purposes of recreation. They
think the time is come when
the Japanese Govt. should
profit by the opportunity
which the improved con-
dition of their country

affords, to grant to foreigners similar liberty in these respects to that which their own people enjoy in every foreign country.

H. E remarks in his note of the 13th of July that the Japanese Govt. desire to manifest a friendly disposition toward foreigners and to increase the cordiality of the relations between Japan and foreign countries. But the Undersigned feel bound to point out to H. E that this desirable object cannot be effected by the course proposed, and that, instead of endeavoring to maintain at this stage of the intercourse between foreign nations and Japan the restrictions of early years, the Japanese Government should, on the

Contrary

contrary remove those disadvantages to which foreigners in Japan continue to be exposed, and should abolish those monopolies which seriously impede the development both of the native and foreign commerce of Japan.

In view, however, of the friendly assurances above referred to, the Undersigned believe that the Govt. of H.M. the Tenno, after due consideration of this note, will not be willing to leave this question in its present anamalous condition. It is within the knowledge of H.E. that the Govts. of the Undersigned urged upon the attention of the Japanese Embassy, when in America and Europe, the necessity of relaxing those restrictions upon foreign intercourse

and trade which the Japanese Govt. continue to impose, and H.E. is doubtless aware that the Undersigned have only acted in conformity with the wishes of their Govts. in urging H.E. to conclude with them suitable arrangements for the removal of those restrictions, and for granting to foreigners generally the right of travel and trade in the interior of Japan. They cannot agree, therefore, to the interruption of negotiations on the spot pending the delivery to their Govts. of those explanations which H.E. says the Japanese Govt. desire to make through their representatives abroad. These references, which it is obvious would involve considerable delay, appear

unnecessary to the Undersigned, as it may be presumed that any Explanation which the Japanese Representatives may be charged to deliver on this subject, will be similar to those which H.E has already furnished to the Undersigned.

The Undersigned take this opportunity to renew to H.E the assurances of their highest consideration.

(signed.) H.S. Parkes,
H.B.M. E.E. & M.P. &c

Berthemy,
M.P. of France.

Jno. A Bingham, Referring to my n° to the Kanagawa F.O. 15th Aug.
E. E & M.P. of the U.S.A.

Signed by the Representatives of Germany, Russia, the Netherlands, Belgium, Italy and Spain.

This copy was made from the original draft, and as it is impossible at this date to refer to the note identique itself, the signatures are not attached, although they were affixed in the usual order. D. A. Stevens.

No 114.

Copy. Enclosure No 3.

No 64.

United States Legation,
Tokei, Aug. 15, 1874.

Your Excellency:

Referring to the collective note of date the 14th inst which has been communicated to you, I beg leave to make known to Your Excellency that I concur therein with my colleagues in recommending the further consideration of the admission of foreigners to trade and travel in the interior of Japan, with this qualification, that I adhere to the opinion, hitherto expressed by me to Your Excellency, that the

His Excellency
Terashima Munenori,
H. I. J. M. Minister
for Foreign Affairs.

the citizens or subjects of the several treaty powers should be admitted to trade, travel and reside in the interior of Japan, and to lease, occupy and cultivate lands, and to lease and work mines, &c. only upon such conditions as may by law be prescribed by Japan in advance; and upon the further condition that for every violation of such laws, or of the rights of person or property within the jurisdiction of Japan, by the treaty power of which the party to offending may be a citizen or subject.

any foreigners to admitted, prompt and efficient remedy shall be given in Japan

Your Excellency will observe that I have attached my signature to the collective note of the 14th instant, and that it is there noted that I signed the same with reference

reference to this communication.

I have the honor to be

Your Excellency's

Obedient Servant,

(Signed.) Jno A Bingham.

Mr Pratt
Ackd October 14.

No 115.

U. S. Legation, Japan,
Tokei, August 31, 1874.

Mr Bingham
to the
Hon. Secretary of State.

Subject.
Five boxes of books received.

No 115.

U. S. Legation, Japan,
Tokei. August 31, 1874.

Sir:

I have the honor to acknowledge the receipt of five (5) boxes of books, forwarded per Pacific Mail Steamship Company. As soon as I can have the time to open and examine them, which will be before the next mail, I will acquaint you with the contents and compare them with the list forwarded in Instruction No 5-1.

I am, Sir,

The Honorable
The Secretary of State.

Your obt. servant
Wm A Burlingame

Ack'd to Wm Morgan - 12 Oct - the

Answ'd Dec 1. to Mr Morgan by duplicate

No 116.

U.S. Legation, Japan,
Tokei, September 1, 1874.

Mr Bingham
to the
Hon. Secretary of State.

Subject.
Encloses statement of account in matter of payment of rent on Bluff lot 178 &c.

Enclosures.
1. Statement of account
2. Receipt - in triplicate - of E.S. Benson, Municipal Director.
3. Certificate of Exchange.

No 116.

U. S. Legation, Japan,
Tokei, Sept 1, 1874.

Sir:

Your Instructions Nos. 53 and 54 have been received, and, in especial reply to Instruction No 53, I have the honor to enclose herein a separate account concerning the matter of my draft on the Department for Two hundred and seventy six and 72/100 dollars ($276 72/100) referred to in my No 81 of 19th ult May last, being the amount paid by me, under your Instruction No 23 of date January 13th, 1874. for rent on Lot No 178, Bluff. Yokohama.

I am

The Honorable
The Secretary of State.

In further pursuance of your Instruction I have the honor to enclose herein, 2/116 in triplicate, the receipt of Mr E. S. Benson, Municipal Director, for said sum of $276.72 so paid to him, for which I enclosed a receipt in my No 81.

I also enclose, as per instructions, a certif= 3/116 icate for loss by exchange on said draft, and beg leave to say that I enclosed a like certifi= cate in my No 81.

I am, Sir,

Your obedient servant,

Wm A. Brigham

U.S. Legation, Japan
Tokei, Sept 1. 1874

No 16 Enclosure 1

STATEMENT OF THE ACCOUNT

OF

John A. Bingham

United States Minister

to Japan

for ~~Payment of~~ Rent
on ~~Lot 178~~ Yokohama
from the 1st June, 1873

to the 1st June, 1874.

Mr. THE UNITED STATES GOVERNMENT in account with John A. Bing

	DOLLS.	CTS.	DOLLS.	CTS.
To balance from last account to , 18				
To amount of my salary from , 18 , to , 18 , months and days, at the rate of $ per annum				
Amount of rent due upon Bluff Lot 178, Yokohama, Japan from 1st June, 1872, to 1st June, 1874.	$276	42		
To contingent expenses of all missions abroad:				
For amount expended by me for contingencies from , 18 , to , 18 , as per abstract and vouchers herewith.....				
To loss by exchange:				
For amount of loss by exchange on my draft dated May 4, 1874	13	84		
" " " "			290	56
" " " "				
" " " "				
as per vouchers herewith.				
Balance due from me to the United States				

Legation of the United States

At Tokei, Japan

Sept. 8th, 1874 Jno. A. Bing

...ingham, Minister to Japan.

	DOLLS.	CTS.	DOLLS.	CTS.
By balance due from me, as per last account, to , 18				
By my drafts on Baring Brothers & Co., U. S. bankers, London, as follows:				
One dated				
" "				
" "				
" "				
By my drafts on The Honorable Secy of State				
One dated May 7. 1874	276	72		
" " " " "	13	84		
			290	56
By income tax on my salary from , 18 , to , 18 ,				
By this amount received for passport fees from , 18 ,				
to , 18				
Balance due me from the United States				

Duplicate.

(FORM NO. 85.)

EXCHANGE VOUCHER.

We

~~I~~, the undersigned, do hereby certify that ~~I~~ we have this day purchased from Hon. J. A. Bingham, U S. Minister, his draft dated May 7, 1874, for the sum of Two hundred and seventy six 72/100 dollars and have paid him therefor the sum of Two hundred sixty two 88/100 dollars ($262 88/100), the same being the net proceeds of said draft after deducting the current rate of exchange between this place and New York at this date, of Ninety five cents to the dollar upon its face, and as set forth in the following statement, namely:

Date of Draft.	Amount of draft in United States currency.		Gross am't of draft in foreign currency.	Rate of exchange.	Cost of negotiation or sale.		Net proceeds in foreign currency.	Net proceeds in United States currency.		On whom and on what account drawn.
May 7/74.	276	72		5%	13	84		262	88	The Honorable the Secretary of State. For rent of lot 148 Bluff. Yokohama

Edward Fischer C.

Duplicate.

(FORM NO. 85.)

EXCHANGE VOUCHER.

We

~~I~~, the undersigned, do hereby certify that ~~I~~ we have this day purchased from Hon. J. A. Bingham, U S. Minister, his draft dated May 7, 1874, for the sum of Two hundred and Seventy six 72/100 dollars and have paid him therefor the sum of Two hundred & Sixty two 88/100 dollars ($262 88/100), the same being the net proceeds of said draft after deducting the current rate of exchange between this place and New York at this date, of Ninety five cents to the dollar upon its face, and as set forth in the following statement, namely:

Date of Draft.	Amount of draft in United States currency.		Gross am't of draft in foreign currency.	Rate of exchange.	Cost of negotiation or sale.		Net proceeds in foreign currency.	Net proceeds in United States currency.		On whom and on what account drawn.
May 7/74.	276	72		5%	13	84		262	88	The Honorable the Secretary of State, For rent of lot 148 Bluff. Yokohama

Edward Fischer & Co

(Form No. 86.)

EXCHANGE VOUCHER.

I, the undersigned, J. A. Bingham, Envoy Extraordinary and Minister Plenipotentiary of the United States to Japan, do hereby certify that I have this day sold my draft for Two hundred and seventy six $\frac{72}{100}$ dolls. dated May 7. 1874 for rent upon Bluff Lot 178 Yokohama, to Edward Fischer & Co and have received from them therefor in United States currency, Two hundred and sixty two and $\frac{88}{100}$ dollars ($262 $\frac{88}{100}$) the difference between which sum and the amount of said draft, namely, Thirteen dollars and Eighty four cents being the loss actually and necessarily sustained by me in the negotiation and sale of the same.

And I do further certify, that the said Edward Fischer & Co's who have signed the foregoing certificate, are Bankers residing and doing business as such at this place.

J. A. Bingham

U. S. Minister.

Municipal Office
Yokohama

Triplicate

In consideration of the sum of Two hundred and seventy six 72/100 Mexican dollars ($276 72) to me paid as Municipal Director of Yokohama by the United States of America by H. E. John A. Bingham United States Minister, I do hereby acknowledge the same in full payment of two years rent, viz; from 1st June 1872 up to and including 1st June 1874 upon Bluff Lot No 178. Yokohama

The United States by its Minister aforesaid having agreed that the lease of said Lot No 178 dated 12th October 1872 shall cease and determine from and after the 1st day of June next I do hereby as such Municipal Director release the Government of the United States from any further liability for rent on said Lot after the 1st June 1874.

In testimony whereof I have hereunto set my hand and affixed my seal as Municipal Director this sixteenth day of May 1874

C. Benson
Municipal Director

Municipal Office
Yokohama

Quadruplicate

In consideration of the sum of Two hundred and seventy six 72/100 Mexican dollars ($276.72) to me paid as Municipal Director of Yokohama by the United States of America by H. E. John A. Bingham United States Minister, I do hereby acknowledge the same in full payment of two years rent viz; from 1st June 1872 up to and including 1st June 1874 upon Bluff Lot No 178 Yokohama

The United States by its Minister aforesaid having agreed that the lease of said Lot No 178 dated 12th October 1872 shall cease and determine from and after the 1st day of June next I do hereby as such Municipal Director release the Government of the United States from any further liability for rent on said Lot after the 1st June 1874

In testimony whereof I have hereunto set my hand and affixed my seal as Municipal Director this sixteenth day of May 1874

C. Kinnear
Municipal Director

Municipal Office
Yokohama

Quintuplicate

In consideration of the sum of Two hundred and seventy six 72/100 Mexican dollars ($276.72). to me paid as Municipal Director of Yokohama by the United States of America by H. E. John A. Bingham United States Minister, I do hereby acknowledge the same in full payment of two years rent, viz; from 1st June 1872 up to and including 1st June 1874 upon Bluff Lot No 178 Yokohama

The United States by its Minister aforesaid having agreed that the lease of said Lot No 178 dated 12th October 1872, shall cease and determine from and after the 1st day of June next I do hereby as such Municipal Director release the Government of the United States from any further liability for rent on said Lot after the 1st June 1874

In testimony whereof I have hereunto set my hand and affixed my seal at Municipal Director this sixteenth day of May 1874

E. Benson
Municipal Director

How are Chinese reports forwarded? Ans. Oct 24.
Report
Ack. Oct 14.
Inclosure
The 12 Vols

No 117.

U. S. Legation, Japan,
Tokei, Sept. 1, 1874.

Mr Bingham
to the
Hon. Secretary of State.

Subject.

Hiogo tea report for 13 July to 17 Aug. Enquiry whether these reports should not hereafter be presented through the Consulate General.

Enclosure.

Abstract of prices current of teas at Hiogo.

No 114.

U. S. Legation, Japan,
Tokei, Sept. 1, 1874.

Sir:

I have the honor to transmit herewith an abstract of the price current of teas at Hiogo from July 13 to August 17.

These reports have been sent in pursuance of your former order, but I beg leave to suggest, now that a Consul General is appointed for Japan, who has entered upon his office, that the several Consuls might appropriately

The Honorable
The Secretary of State.

appropriately be directed to make their reports through the Consul General direct to the Department, and thereby save time and additional record.

I am, Sirs,

Your obedient servant,

Wm. A. Pinkham

No 117.

Enclosure No 1.

Abstract of prices current of teas at Hiogo from July 13th to August 14th, 1874.

Grade	Price
Common	$22 to $25
Good Common	27 " 29
Medium	31 " 34
Good Medium	36 " 37
Fine	39 " 41
Finest	43 " 46
Choice	48 & upwards
Choicest	"

Prices are in Mexican dollars and per picul.

REPORT.

Diplomatic Bureau,

Oct 15, 1874.

Subject: № 117 from Legation of U.S. in Japan

Whether Minister or Consul General shall prepare and forward prices current of tea. (Monthly)

Reply:

27 1873 Ministers in Japan and China were instructed at the oral request of the Secretary of the Treasury to send them. If such Statement was not printed they were to get the information from the principal Consuls

On the 9th instant Consul General Seward was instructed to send regularly for the use of the Treasury two Copies of prices current from the principal Consuls the Treasury having requested this in letter of 6th instant.

Respectfully Submitted

H.D. J. Pratt

Copy to Int Oct 15
Ack Oct 14.

Mr Pratt

No 118.

U. S. Legation, Japan,
Tokei, Sept 4, 1874.

Mr Bingham
to the
Hon. Secretary of State.

Subject.

Correspondence with the Japanese Government relative to the Centennial Exhibition.

Enclosure

Mr Bingham to the Minister for Foreign Affairs, August 5/74.

No 118.

U. S. Legation, Japan,
Tokei, Sept 4, 1874.

Sir:

Referring to your No 48, of date June 30 last, I have the honor to say that in conformity therewith I addressed to the Minister for Foreign Affairs, on the 5th inst, a communication upon the subject of the Centennial Exhibition, a copy of which is herewith. To this letter I have as yet received no reply.

I beg leave to acknowledge also the receipt of Instruction No

The Honorable
The Secretary of State.

No 52, of date July 13th, upon the same subject, and to thank you for your cordial Expressions therein with reference to my action hitherto in the premises. I will, without delay, acquaint the Minister for Foreign Affairs with the assurances contained in your Instruction of the satisfaction with which the government of the United States has received his reply to my note to him, No 34 of date 20th April last, and that the purpose of his government, therein expressed by him, to cooperate in the Exhibition and the

Centennial

Centennial celebration of the
Independence of the United
States, is regarded by
"the President as an
"evidence of the earnestness
"of the friendship between
"the two governments, which
"it has ever been his
"sincere desire to promote
"and to make perpetual."

I am, Sir,

Your obedient servant,

Wm. A. Bigham

No 118.

Enclosure.

Copy.

No 61.

United States Legation,
Tokei, August 5, 1874.

Your Excellency:

I am instructed by the Honorable the Secretary of State to acquaint Y. E. that by an Act of the Congress of the U.S. the President has been duly authorized and requested to extend in the name of the U.S. a respectful and cordial invitation to the govts. of other nations to be represented and take part in the International Exhibition to be held at Phila. under the auspices of the govt. of the U.S. in the year 1876. I have the honor to enclose herewith a copy of the Act referred to.

It gives me pleasure in

H.E. Terashima Munenori,

&c &c &c

in obedience to the instructions of my govt., to communicate through H.E. the invitation thus authorized in the name of the U.S. to be extended to the govt. of Japan.

In my No 34 I made known to H.E. that the Centennial Commission of the U.S. is very desirous that the govt. of Japan should participate in this Exhibition, and that it should designate, at as early a date as practicable, the person appointed to act as the commissioner or agent of Japan to correspond with the U.S. Centennial Commissioners in charge of the Exhibition through A.T. Goshorn, Esq., the Director-General, No 904 Walnut Street, Phila. Penn. I am instructed to again call H.Ex's attention to the communication thus made and to further notify H.E. that the commissioners in charge

have

have found it necessary to further revise the general regulations heretofore issued by them, of which revision the particulars of H. Ex's govt. will be informed through the commissioner or agent who may be appointed by the Japanese govt. as herein requested.

I avail myself of this occasion to inform H. E. that in compliance with the request made by you in your communication of the 25th of May last on this subject, I informed my govt. of what H. E. therein stated, viz: that a national commission would be appointed by Japan.

I will be pleased to receive further communication upon the subject, on notifying me of the final action of H. Ex's govt.

I have the honor to be

Your

Your Excellency's
obedient servant,
(signed) Jno. A. Bingham.

6

Mr Pratt
Ack. October 14

No 119.

U. S. Legation, Japan,
Tokei, Sept. 4, 1874.

DEPARTMENT OF STATE
RECEIVED
OCT
12
1874

Mr Bingham
to the
Hon. Secretary of State.

Subject.

Receipt of Instructions 52, 55, 56, 57, 58, 59 & 60 and of two circulars relative to Brussels Conference and Canadian treaty.

No 119.

U. S. Legation, Japan,
Tokei, Sept. 7, 1874.

Sir:

I have the honor to acknowledge the receipt to-day of Instructions Nos. 52, 55, 56, 57, 58, 59 and 60 and of two circulars, both dated July 27 last, relative to the treaty between the United States and Canada and the non-participation of the United States in the national conference at Brussels, respectively.

I am Sir, Your ob't. servant,

Wm. A. Bingham

The Honorable
The Secretary of State

J.H.A.

Bureau asks for report Ans'd Dec 1st
the 1200 Mr Morgan
Mr Pratt

No 120.

U. S. Legation, Japan,
Tokei, Sept 9, 1874.

Mr Bingham
to the
Hon. Secretary of State.

Subject.

Payment by the Department of rents to the Jap. govt. Enquiry as to whether rent has not been twice paid upon Lot 178. The surrender of a building at Tsuphukugi, Yedo, recommended.

Enclosures

M. F. A. to Mr Bingham, Sept 5/74.

No 120.

U. S. Legation, Japan,
Tokei, Sept 9, 1874.

Sir:

Referring to your No 59 of date the 27th July last, and the enclosure therewith, in regard to the payment of rents for grounds and buildings occupied by the United States Legation and Consulates in Japan, I respectfully call your attention to my No 81, dated May 19 last, setting forth the amount paid by me under

The Honorable
The Secretary of State,

Your

your Instruction No 23 of the
18th January, 1874, and also to your
Instruction No 45 approving
the payment by me of rent
on lot 178, Bluff, Yokohama.
You will notice by reference
to these Instructions and
despatches that the receipt
enclosed with your No 69
given by the Japanese Chargé
at Washington covers the
two years' rent paid by
me under your instructions,
viz: from 1st June, 1872, to
1st June, 1874, amounting to
two hundred and seventy
six 72/100 dollars ($276 72/100)
I have the honor to enclose
herein a copy of a com-
munication

munication received from the Minister for Foreign Affairs, on this subject, dated the 5th instant.

I have hitherto had the honor to inform you that the buildings and grounds at Tsemphukuji (mentioned in the receipt of the Japanese Chargé as "U.S. "Legation at Tokei") are not occupied by the United States for any purpose; and I would respectfully suggest that I be authorized to officially inform the Japanese Government of the surrender of the same.

I am, Sir,

Your

Your obedient servant,

Wm A Bispham

No 120.

Enclosure.

Copy.

The 5th the 9th Month
the 17th year of Meiji.
(September 5, 1874.)

Your Excellency:

I have the honor to inform Y. E. that I have received a communication from Mr Yamaguchi, the Japanese Chargé d'Affaires, ad interim, at Washington, to the effect that after some correspondence he has received in American gold from the Honorable the Secretary of State of the United States the full amount due by the United States government to that of Japan on account

To
H. E. John A. Bingham,
E. E. and M. P.
of the United States.

of rent for lands and buildings occupied by the United States Legation at Tokio and by the United States Consulates at Yokohama and Hakodadi.

I beg leave to remark that the payment of said rent was made after a long delay, and on representations made by Mr De Long, Y. Ex's predecessor, on his return home, the Department of State paid it to the Japanese Legation in your country in American gold instead of in Mexican dollars as Your Excellency knows should have been done. Mr Yano states that he requested to have it paid in Mexican dollars, but received the answer that as the matter had been decided by Congress he would receive

American gold on this oc=
casion, and consequently he
was obliged to accept the
same.

I beg therefore to re=
quest Your Excellency that
future payments of rent
shall be made in Japan
in Mexican dollars, as I
apprehend that this case
may be quoted as a
precedent.

With respect &c &c Consideration,
signed. Terashima Munenori,
H. I. J. M's Minister
for Foreign Affairs.

Mr Pratt
Annex 3.

No 121.

U. S. Legation, Japan,
Tokei, Sept. 23, 1874.

Mr Bingham
to the
Hon. Secretary of State.

Subject.
Receipt of Instructions Nos. 61, 62, 63 and 64, and of Circulars 63 and 64.

No 121.

U. S. Legation, Japan,
Tokei, Sept. 23, 1874.

Hon. Hamilton Fish,
Secretary of State,
Washington, D.C.

Sir:

I have the honor to acknowledge the receipt of Instructions Nos. 61, 62, 63 and 64, and of circulars Nos. 63 and 64, dated the 28th July and the 1st August, respectively.

I am, Sir,
Your obedient servant,
Wm. H. Burlingame

ack Nov 3.

No 122.

U. S. Legation, Japan,
Tokei, Sept. 25, 1874.

DEPARTMENT OF STATE
RECEIVED
OCT 29 1874

Mr Bingham
to the
Hon. Secretary of State.

Subject.

Revised Copy of personal instructions received. Selects "Chronicle" and "Republican" of Washington as papers to be sent to the Legation.

No 123.

U. S. Legation, Japan,
Tokei, Sept. 23, 1874.

Hon. Hamilton Fish,
Secretary of State,
Washington, D.C.

Sir:

I have the honor to acknowledge your Instruction No 62, of date the 15th ult., together with a copy of the revised "personal instructions to "the diplomatic agents of the "United States in foreign "countries".

In accordance with paragraph XXXVIII of those

those institutions, I beg leave to designate the "Washington Chronicle" and the "National Republican" to be sent to this Legation for the calendar year beginning January 1, 1875.

I am, Sir,

Your obedient servant,

Wm. A. Richardson

Ans 60 29

Ans Nov 3.

No 123.

Mr Pratt

U. S. Legation, Japan,

Tokei, Sept. 26, 1874.

DEPARTMENT OF STATE RECEIVED OCT 29 1874

Mr Bingham

to the

Hon. Secretary of State.

Subject.

Revised regulations of Centennial Commission received. They will be communicated to the Minister for Foreign Affairs.

No 123.

U. S. Legation, Japan,
Tokei, Sept. 26, 1874.

Hon. Hamilton Fish,
Secretary of State,
Washington, D.C.

Sir:

I have the honor to acknowledge your In=
struction No 61 in regard to the International Exhibition to be held at Philadelphia in 876, and have noted your special reference to the third paragraph of the printed instructions of the 7th July, 873, viz.: "That a cordial "invitation is hereby extended

to

"to every nation of the earth
"to be represented by its
"arts, industries, progress
"and development." I have
the honor to acknowledge
also the receipt of the en-
closures (in the English and with your No 61
French languages,) the revised
regulations adopted by
the United States Centennial
Commission and forwarded
by you at the request of the Hon-
orable the Secretary of the Interior,
which I shall duly communicate,
as instructed, to the Japanese
Government. I shall be careful to
call attention especially to the later dates
assigned by these regulations for preparatory &c.

I am, Sir, Your obedient servant,

Wm. A. Reynolds

Adv Corrs

Asst Secretary

No 124.

Mr Pratt

U. S. Legation, Japan,

Tokei, Sept. 26, 1874.

Mr Bingham

to the

Hon. Secretary of State.

Subject.

The murder of Mr Haber, late Actg. German Consul at Hakodati, and the arrest and execution of the murderer, a Japanese.

Enclosures.

Proclamation — Sept. 1874.

No 124.

U. S. Legation, Japan,
Tokei, Sept. 26, 1874.

Hon. Hamilton Fish,
Secretary of State,
Washington D.C.

Sir:

FOREIGN Relations '75

On the 12th ultimo Mr Hawes, our Consul at Hakodadi, by a despatch of that date notified me that Mr L. Heber, late Acting German Consul at that port, had been murdered on the previous evening by a Japanese. The murderer was arrested, tried, convicted and, on the 16th instant, executed,

and

and a proclamation was issued by the Government, condemning all such assassinations and manifesting a determination to visit such crimes with swift punishment. A copy of the proclamation is herewith enclosed.

I am, Sir,

Your obedient servant,

Wm. H. Seward

No 124

Enclosure.

Copy.

Notification of the Daijo Kuan.

No 120.

To all the Chi, Fu and Ken.

Tasaki Hidechika, who killed the German Consul at Hakodadi has undergone, on the 10th day of September, the punishment which his crime deserved. Before the revision of the code he would have been crucified, because he was a great criminal, who acted against the will of the Mikado and contrary to the treaties with foreigners. The Government has caused him to be decapitated, and this punishment will serve as an Example to the people and will show them that they ought to abstain from all criminal acts.

Judgment.

Judgment.

You thought that the relations of the Japanese with the foreigners compromised the dignity of the country, and you wished to avenge this wounded dignity by striking an European. You went to Hakodadi and you there killed by blows of a sword Mr Hatoe, the German Consul in that town.

You are very guilty and to the government, in Expiation of your crime, degrades you from the rank of Samurai and condemns you to be beheaded.

9th Month,
17th Year of Meiji.

Adv - The interpretation was a delicate one. It is fortunate that it was well received - & a subject of satisfaction that a prospect of the discontinuance of the practice is opened

No 125.

Oct 26 answd Nov 3.

Mr Pratt

U. S. Legation, Japan,

Tokei, Sept. 26, 1874.

RECEIVED OCT 29 1874 DEPT. OF STATE.

Mr Bingham

to the

Hon Secretary of State.

Subject.

Notification forbidding torture.

Mr Bingham has unofficially spoken to Japanese officials against the practice.

Enclosure.

Notification - August 20, 1874.

No 125.

U. S. Legation, Japan.
Tokei, Sept. 26, 1874.

FOREIGN Relations '75.

Hon. Hamilton Fish,
Secretary of State,
Washington, D.C.

Sir:

I have the honor to communicate herewith a notification by proclamation, issued on the 25th ultimo by order of this Government, abolishing ~~examination by torture of witnesses and of persons accused of crimes~~. I regret (for a short period to come,) to say that in certain cases where difficulty occurs

occurs in the examination, torture may be employed, subject, however, to the restriction that the reasons for the employment thereof shall be reported monthly by the tribunal resorting thereto to the Department of Justice.

Some time since, my attention being called to this inhuman practice in judicial administration in this Empire; while I did not feel at liberty to officially intervene in the matter, as the usage was limited Exclusively

sively to Japanese subjects, I nevertheless deemed it my duty, unofficially, to bring the matter to the attention of Japanese officials, and to suggest to them in respectful terms, as I did, that the practice was violative alike of natural justice and of the enlightened judgment of civilized nations. It is a matter of congratulation that the first step has been taken towards the abolition of this inhuman and unjust rule of administration.

I am, Sir,

Your

Your obedient servant,

Wm. A. Pinkham

No 125.

Enclosure.

Copy of translation.

No 19.

To the several Courts and
Kens of the Empire of Japan.

This Proclamation is made:

We have had a
usage from former times of
examination by torture. It
would be a great wrong if
under this usage innocent
persons suffer. Therefore this
practice shall no longer be
exercised.

However, for still a
short period in cases where
any difficulty occurs in
the Examination without the
exercise of torture, there
is no objection to use it.
But a monthly report of

all

all such cases shall be made to this Department, which shall state the reason why torture is applied.

(signed) Oki Takato
Minister Judicial Department.

25th August, 1874.

Ack Nov 3.

Adv Corry

Mr Pratt

No 126.

U. S. Legation, Japan,
Tokei, Sept. 26, 1874.

Mr Bingham
to the
Hon. Secretary of State.

Subject.

Mr Avery's arrival and de=
tention at Tokei by sickness
until the 24th inst.

No 126.

U. S. Legation, Japan,
Tokei, Sept. 26, 1874.

Hon. Hamilton Fish,
Secretary of State,
Washington, D.C.

Sir:

I have the honor to inform you that it was my good fortune to meet Hon. B. P. Avery, our Minister to China, on the 10th inst. on his way to his post of duty. I regret to say that Mr. Avery had not recovered from the severe illness which delayed his departure from home. I extended an invitation to

himself

and Mrs Avery to abide with me during their stay in Japan while awaiting the departure of the steamer for Shanghai. Mr Avery was delayed here, and remained in my house, by a renewal of the serious disease, rheumatic gout, which had detained him at home. He was quite prostrated, but, I am glad to say, was so restored as to enable him to proceed on his journey by the Pacific Mail Steamer "Golden Age", on the 24th inst.

I conferred fully with Mr Avery upon the questions

questions in controversy ex-
between Japan and China,
and possessed him of my
own action in relation
thereto under your in-
structions.

I was strongly
and most favorably im-
pressed with the high
character and marked
intelligence of Mr Avery.

I am, Sir,

Your obedient servant,

Wm. A. Bingham

Navy -
Order, Copy to Sec'y Navy
Oct 29

Mr Pratt
Ack'd Nov 3. Nov 3.
Copy to Sec'y of Navy

No 127.

U. S. Legation, Japan,
Tokei, Sept. 26, 1874.

Mr Bingham
to the
Secretary of State.

Subject.

Arrival of Prof. Davidson and party, appointed to observe the transit of Venus near Nagasaki; procurement of their pass and the facilities for their work from the Japanese govt.

Enclosures.

1. Mr Terashima to Mr Bingham.

Brigham, Aug. 25. 1874.

2. Abe Brigham to Abe

Terathima, Sept. 26. 1874.

No 127.

U. S. Legation, Japan,
Tokei, Sept. 26, 1874.

FOREIGN Relations '75

Sir:

I have the honor to re-
port the arrival, in the 4th inst., of Professor
Davidson and his associates,
sent hither by order of our
government to make ob-
servation of the transit of
Venus on the 9th of December
next.

On the 4th inst. in
anticipation of their coming,
I addressed a communi cation
to the Minister for Foreign
Affairs, acquainting him that

Hon. Hamilton Fish,
Secretary of State.

that they were commissioned
under the laws of my country
to make observations of
the transit of Venus from
some point in Japan, and,
to that end, requested for
the professor and his asso=
ciates, the freedom of the
Empire. It gives me pleasure
to say that on the 20th
inst. I received from the
Minister for Foreign Affairs,
in reply to my commu=
nication, a pass for the
professor and his party
to visit, without limita=
tion, any portion of Japan,
and, also, a proffer of
Japanese officials to attend
the

the party to contribute, as far as possible, to their personal comfort and to witness the methods of taking the observations.

I have the honor to transmit herewith a full copy of the text of the Minister's communication to me (Enclosure 1,) and of my reply thereto (Enclosure 2.)

I am, Sir,

Your obedient servant,

Wm. A. Pinkham

No 127.

Enclosure

Copy of translation.

Foreign Office, Tokio,
the 25th the 9th Month
7th year Meiji (Sept 25/74)

Your Excellency:

I have the honor to acknowledge the receipt of Your Excellency's note of the 17th inst. asking me on behalf of Professor Davidson and eight other astronomers sent hither by your government to observe the transit of Venus in December next for a pass to visit, without limitation of locality, any portion of Japan

To and

His Excellency J. A. Bingham,
Envoy Extraordinary and Minister
Plenipotentiary of the U.S.

and to select and temporarily occupy a place suitable for their purpose.
In reply I beg herewith to enclose the pass for these gentlemen. Availing of this favorable opportunity my government will appoint some officers to accompany these gentlemen for the purpose of obtaining astronomical information, and I sincerely request that these gentlemen take the trouble of explaining such matters as our officers to appointed will travel in company with the gentlemen and make everything as convenient for them in their journey as possible.

Hoping Your Excellency will be pleased to convey what is said above to Professor Davidson and the other gentlemen,

With

With respect &c &c consideration,

(signed.) Terashima Munenori,

H. I. J. M. Minister for

Foreign Affairs.

No 127.

Enclosure 2.

Copy.

No 85.

United States Legation,
Tokei, Sept. 26, 1874.

Your Excellency:

I have the honor to acknowledge your despatch of the 25th inst. in which Y. E. informs me that your govt. has, in accordance with my request, kindly granted a pass to Professor Davidson and his associates to visit any part of Japan for the purpose of observing, under the instructions of my govt., the transit of Venus. I have made known to Professor Davidson, as Y. E. requested me to do, the

His Excellency
Terashima Munenori,

the purpose of Y. E.'s govt. to appoint officers to attend him and to obtain information of him as to his methods &c. in this interesting work.

I beg leave, in behalf of Professor Davidson, to thank Y. E. govt for its proffered courtesy, and have the honor to inform Y. E. that he will be pleased to have the Japanese officials attend him as proposed and to impart to them the information desired.

I beg leave in behalf of my govt. to request that Y. E. govt. will telegraph to the Japanese Customs officials at Nagasaki to permit Mr Edwards, the second assistant astronomer commissioned to this work, to receive from the "Golden Age" upon its arrival in port, free of duty and without Examination

imation or delay, the instru=
ments and outfit of the as=
tronomical Expedition, the
property of my govt., and, when
the work is completed, to re=
ship the same without detention
or payment of duties. I am
authorized by Professor David=
son to say that there is noth=
ing in this outfit but what
especially appertains to the
astronomical work assigned
to him and his associates.

The Professor also requests
me to ask the further favor,
that Y. E. govt. will authorize
the telegraph officials at
Nagasaki to furnish him
material and labor to aid
him in constructing whatever
short telegraph line he may
have occasion to construct
for the connection of his as=
tronomical station with the
cable and govt. lines at=

that

that port, the reasonable Expenses of which the Professor will pay. He also desires that Y. E. govt. will detail a govt. telegraph operator to assist him in the use of the telegraph lines, especially at night, for the determination of the difference of longitudes, for which service also the Professor will make payment.

Mr Edwards has already gone forward on the "Golden Age"; and Professor Davidson leaves for Nagasaki on Thursday next, the 1st proxims.

Y. E. will greatly oblige by sending the telegraph instructions to Nagasaki promptly, and by informing me of your actions in the premises.

I have the honor to be
Y. E. obedient servant,
(Signed) Jno. A. Bingham

Furnish - the 29 Oct

Mr Pratt

Answ. Nov. 6. Flags & blank forms will be sent.

No 128.

U. S. Legation, Japan,

Tokei, Sept. 28, 1874.

Mr Bingham

to the

Hon. Secretary of State.

Subject.

Request for two flags and account blanks &c.

No 128.

U. S. Legation, Japan.
Tokei, Sept. 28, 1874.

Hon. Hamilton Fish,
Secretary of State,
Washington, D.C.

Sir:

I have the honor to request that this Legation may be supplied with two flags, one a strong storm flag, and the other an ordinary ensign. I would respectfully request, also, that a supply of account blanks, blank Exchange vouchers and blank bills of exchange may be forwarded here at the earliest convenience of the Department.

I

I am, Sir,

Your obedient servant,

Jno. A. Bingham

Sir Thomas
Brisbane
Mr Hayward reports
that the "two missing
books", though ordered,
were neither delivered
or sent. Consequently,
they were not sent
to Mr Bingham.

Note the omissions — the 29th

Mr Pratt
Ackd. Nov 30.
Answd. " 13.

No 129.

U. S. Legation, Japan,
Tokei, Sept. 28, 1874.

Mr Bingham
to the
Hon. Secretary of State.

Subject.

Comparison of books sent for library with list forwarded. Two books missing, "Marshal "on the Constitution" and "Martin's Law of Nations".

No 129.

U. S. Legation, Japan,
Tokei, Sept. 28, 1874.

Hon Hamilton Fish,
Secretary of State,
Washington D.C.

Sir:

Referring to
your Instruction No 51, of
date July 3rd, 1874, I have
the honor to report that
I have opened the five
boxes of books purchased under
your direction and forwarded
here as the library of this
Legation, and have carefully
compared the contents
thereof with the list
enclosed

in yours No 5-17 and find that all the books stated in the list are received, except "Marshal on the Constitution" and "Martin's on "Law of Nations", the latter being noted on the last page of the list as one volume.

It gives me pleasure to say that this library is, substantially, what I desired and what was needed in the Legation.

I am, Sir,

Your obedient servant,

Wm A. Bingham

Ack'd Nov 20 Mr Pratt

No 130.

U. S. Legation, Japan,
Tokei, October 1, 1874.

Mr Bingham
to the
Hon. Secretary of State.

Subject.

Receipt of Instruction No 65
and of volume of "Commercial
Relations," for 1874.

No 130.

U. S. Legation, Japan,
Tokei, October 1, 1874.

Sir:

I have the honor to acknowledge the receipt of Instruction No 65, dated the 26th August last, and of a copy of the Annual Report of the Commercial Relations between the United States and Foreign Nations, for 1874.

I am, Sir,

Your obedient servant,

Wm. A. Rheinhart

Hon. Hamilton Fish,
Secretary of State,
Washington, D. C.

Adv Sec'y and Extr to Gen Schenck — for draft
No 131. Extract to Gen Schenck 1st Dec'r
Nov 2 Answ Dec 2 2
draft Batt

U. S. Legation, Japan,
Tokei, October 6, 1874.

DEPARTMENT OF STATE
RECEIVED
NOV
16
1874

Mr Bingham
to the
Hon. Secretary of State.

Subject.

Referring to Instruction No 65, Mr Bingham explains his course with reference to cooperation with his colleagues. In the matter of the arrest of the servant of the translating Secretary of the British Legation, he was not aware that any meeting of the diplomatic corps had been held, or any collective note prepared,

prepared, on the subject. He has endeavored to follow the Dept's. instructions in the past and will continue to do so in the future.

No 131.

U. S. Legation, Japan,
Tokei, October 6, 1874.

Sir:

I have read with interest and attention your Instruction No 65, of date August 26. Now that I fully understand the wishes of the Department, I shall endeavor in the future to follow so exactly your Instruction No 35, of date 20th April last, that there will be no possible room to doubt that the United States will co-operate in all matters of common con-
cern

Hon. Hamilton Fish,
Secretary of State,
Washington, D.C.

cern with the other Treaty
Powers in regard to the
government of Japan. I have
also read the copy of the
communication of Mr Jewell,
No 104, of date July 14, which you
did me the kindness and
justice to enclose with your
No 65, and learn with surprise
therefrom that the Russian
Foreign Office is offended with
my official conduct here. It is
to be regretted that Mr Jewell
was not specifically informed
wherein my official action
has given even colorable
excuse for this complaint, and
I respectfully suggest that my
accusers ought to be named

and

and their accusations specified. I am at a loss to know why I should be made a subject for such animadversion, and can only infer that it arose from my venturing, in the presence of my colleagues and with their knowledge, to make my written enquiries of the Japanese government touching the revision of the treaties, hitherto communicated to you in my No 19, of date November 18, 1873, which action was approved in your No 20, of date January 8, 1874, in which by mistake you refer to my No 19 as of date November 10, instead of November 18. In this

Instruction

Instruction "you are pleased to
say, "your (my) course respecting
"the subject is approved." Following
your Instruction No 104 of Sep=
tember 19, 1871, I endeavored to
ascertain the "changes desired"
in existing treaties by the
Japanese government, and to
"give to the Department my own
"views of the changes which
"might be advantageous to the
"United States." I cannot im=
agine how my obedience to
these instructions can be
construed as a manifestation
of a change of American
policy in Japan, or as indi=
cating antagonism to the
policy of Europe, unless, indeed
it

it is the policy of Europe not to consult or respect either the wishes of the United States or of Japan in the revision of the treaties. Since the receipt of your Instruction No 35, of the 20th April last, I am not aware of any departure therefrom in my official action, nor of any thing done by me that could possibly give rise to such enquiries as have made at the Department of State and at St Petersburg as appears by your Instruction. Of one thing I am sure, that no disregard of your instructions was intended by me.

In obedience to Instruction No 35 of

of 20th April. I signed the collective note of the 14th August last, as communicated to you in my No 114 of date August 31., nothing therein a reference to my separate note. Inasmuch as your Instruction (No 35.) expressly stated that "the President would gladly see your (my) more extended and "wider scheme adopted" &c., I qualified my approval of the joint note by referring also to that scheme, as heretofore communicated to you in my No 19 of November 18, 1873, which was approved by you, as before stated in your No 20 of January 8 last, intending, however, not to insist upon it if objection should be made to its

Consideration

consideration or to its adoption by my colleagues. Of this intention I verbally advised Sir Harry S. Parkes when he handed me the collective note for my signature, or called upon me in relation thereto. You will observe in my despatch No 114 of the 31st August, that I therein Expressly state that I make that communication "not to much "to present any views of my "own, as to possess you of the "enclosures therein." I may also state that I made known to Sir Harry Parkes and to others of my colleagues, that I could not, under my instructions

In justice to Mr Brayton. The fact stated by him of his not being informed of the nature of the joint note respecting the arrest of the Japanese servant was drawn, I understand, from Mr Brayton's letter to Mr. Fox

he

ode=

ect

deen, and shall be, my en=
deavor to carry out the
instructions of the Depart=
ment, and to act in harmony
with my colleagues.

Touching the absence
of my name from the joint
note in relation to the arrest
of a Japanese servant of the
translating Secretary of the
British Legation; and the
enquiry of the British Chargé
d'Affaires whether I had com=
municated the occurrence
to the Department, I have

the

instructions, agree to the Consular passport proposition.

Be assured that it has been, and shall be, my endeavor to carry out the instructions of the Department, and to act in harmony with my colleagues.

Touching the absence of my name from the joint note in relation to the arrest of a Japanese servant of the translating Secretary of the British Legation; and the enquiry of the British Chargé d'Affaires whether I had communicated the occurrence to the Department, I have

the

the honor to say that, so far as I know or can learn from my Secretary, the information of the existence of such a joint note first reached this Legation through your Instruction No 65; and that I was not consulted in relation thereto either by the British Minister or by any of my colleagues. Had this joint note been submitted to me, as is usually done when a collective note is proposed, I should have responded either by signing it, or by respectfully declining to sign it for precisely the reasons stated in your Instruction. Having received no official

notice

notice of the transaction (although I heard of it as hereinafter stated,) it did not occur to me to make it the subject of an official communication to the Department; but if I had known that a collective note had been signed by the Foreign Representatives, I should have acquainted you therewith and with the reasons for the absence of my name. I was unofficially informed of the arrest of the translating Secretary's servant by the Terashima, the Minister for Foreign Affairs, and arrived at the conclusion, substantially, in

in relation thereto which you have expressed in your Instruction.

In another case, afterwards complaint was made to the Japanese government by Sir Harry S. Parkes against certain of the Japanese police for an assault committed within the British Legation upon one of the escort of the Legation of which Sir Harry unofficially informed me on the 30th of July last, and received from me at that time an unofficial reply approving his action and approving also the punishment of imprisonment inflicted by the Japanese government upon the offenders

offenders and, also, the compensation of one thousand dollars which that government awarded to the injured man. It did not occur to me in this instance, as it did not in the other, to communicate with the Department upon the subject. I may add that Sir Harry in his unofficial note to me does not intimate that there was any joint note in relation thereto.

You call my attention, especially, to the statement of Sir Harry in relation to the assault upon the servant of the translating clerk S. Parkes, that the decision of the Foreign Representatives was reached at a meeting at which all of them were present "with the

"the exception of the United
"States Minister." It would have
been satisfactory to me, as I
have no doubt it would have
been to you, to have been
informed by Sir Harry
whether the meeting referred
to was a regular or a special
meeting, and, if the latter,
whether I was notified of it
or its object, and, if so, when,
how and by whom. Permit
me to add that I was not
always able to be present
at the regular meetings,
generally held at Sir Harry's
house at Yokohama, and
to repeat what I have
heretofore said, that I was

never

never notified of his desire
to make the arrest of his
translating Secretary's
servant the subject either
of consideration at a meeting
of the Foreign Representatives
or of a joint note.

In connection with what is
herein stated it may not
be amiss to call your at-
tention to the conversation
of Frederick Marshall Esq.,
an English subject in the
Japanese service, held with
Lord Derby (see Enclosure
1 in my No 114) by which
it appears that this ex-
British agent, ostensibly
in the service of Japan,
suggested

suggested to Lord Derby that England and France, by adopting a different line of action towards Japan, "may make an end of Ameri= "can influence in Japan, and "instantly obtain there the "confidence and esteem "which the United States "are now working so skil= "fully to acquire" &c. I but refer to this paper, bearing date 6th May, 1874, to show that in England the grievance against me is simply that I have followed my instructions as hereinbefore stated, by reason whereof Mr

Marshall

Marshall states that "the
"American Minister is rapidly
"regaining the position and
"influence which the United
"States used to possess in
"Japan, but which they had
"recently altogether lost".
When Mr Marshall speaks
of my separating from my
colleagues, he can only refer
to my action hitherto fully
communicated to you, all
of which was dictated
by your instructions as
I interpreted and under-
stood them. There is nothing
in my official action, as I
have hereinbefore stated,
that was not, in my opinion,
suggested

suggested by and in accord with the intent and spirit of your instructions. It does seem strange to me that in London my course of action should in some measure have been the subject of approval by Lord Derby and Mr Marshall, the British subject in Japanese service, and that also in St Petersburg the Japanese Minister, as Mr Jewell reports, should declare that the policy pursued by me here would tend to strengthen the bond of friendship between Japan and the United States, while

the

German, French and Russian officials should affect to be offended thereby! I beg leave to say that I am strongly impressed with the belief that if the German, French and Russian officials will be good enough to specify the reasons of complaint against me, as reported through Mr Jewell, it will appear that my offense had this extent and no more, that I preferred to follow the instructions of my own government, rather than the instructions which might

might come from St Petersburg, Paris, Berlin and London.

Trusting that this reply to the indefinite and unwarranted complaints reported to you against me in my honest endeavor to carry out in my official action here your instructions will prove satisfactory,

I am, Sir,

Your obedient servant,

Wm. A. Pinkerton

Annual Dis 3.

No 132. Mr Pratt

U. S. Legation, Japan,
Tokei, October 8, 1874.

Mr Bingham
to the
Hon. Secretary of State.

Subject.

Two Notifications by Japanese govt.:
1st promising safety to Chinese residents in Japan, & 2d, explaining the action of Japan in the Formosan affair, Japan, while desirous of peace, is preparing for any other emergency.
It being reported that Watson is about to return to Formosa Mr Bingham requests the M. F. A. to enforce the order of the Japanese govt. detaching Watson

from service in the Japanese expedition against Formosa.

Consuls at Shanghai prepare a note identical to Ministers at Peking, looking to protection of foreigners in case of war, & Mr Bingham in a note to Mr Seward approves the same.

Upon request of M. F. A. Mr Bingham assures him that he will report the employment of Chinese at the Legation.

Enclosures:

1. Notification to Chinese – Sept. 29. 1874.
2. " as to Formosa – " 28 "
3. Mr Bingham to the M. F. A. Oct. 1. "
4. Mr Seward to Mr Bingham, Sept. " "
5. Note identical with above.
6. Mr Bingham to Mr Seward, Sept. 25 "

No 132.

U. S. Legation, Japan.

Tokei, October 8, 1874.

FOREIGN Relations 1875

Sir:

I have the honor to transmit herewith for your information a copy of a Notification by the Japanese Government to Chinese subjects resident in Japan, (Enclosure No 1.) informing them that in the event of war between Japan and China they shall not be harmed by this Government, unless they engage in

132

Hon Hamilton Fish,
Secretary of State,
Washington, D. C.

in trade in contraband of war,
acts as spies or do other in-
jury to this country.
I have also the honor to en-
close a copy of another
2/132 Notification (Enclosure No. 2,)
which has reference to the
Japanese expedition to Formosa,
the occurrences there between
the Japanese forces and the
efforts at negotiation by
the Ministers sent to China
by Japan, &c. It is to be
observed in this last Notification
that while it is said that
the Emperor desires a peaceful
result by negotiation, it is
clearly stated therein that
preparations are being made
for

for war in the event of a failure to settle the difficulty by negotiation.

A notice appearing in the papers that Mr Wasson, the American citizen mentioned in my despatches of April last, was recently in Nagasaki awaiting orders to report to General Saigo, the Japanese Commander in Formosa, I took occasion to request the Minister for Foreign Affairs, by a despatch of date the 1st inst. (Enclosure No 3) to notify Mr Wasson of the fact hitherto communicated to you, that he (Wasson) was detached from that service,

and

3/32

and should not proceed to Formosa.

I have the honor to further inform you that in the latter part of September I received from Mr Seward 4/132 at Shanghai a despatch of date the 1st ultimo, enclosing 5/132 a note identical agreed upon by the foreign consuls at Shanghai for the protection of foreign commerce &c. in the event of hostilities between Japan and China (Enclosures 4 & 5.) To this communication I replied 6/132 in a letter (Enclosure No 6) dated the 25th ultimo.

I respectfully submit the same for your consideration, hoping that my action may

met

meet your approval and especially desiring your instructions in the matter.

I have this evening received a communication from the Minister for Foreign Affairs, asking me what Chinese, if any, are in the service of this Legation, and requesting me to notify him in future if any Chinese shall be employed at the Legation or discharged therefrom. To this I have replied that there are no Chinese in the employ of the Legation at present, and that should any be employed therein or discharged therefrom in

the

the future I shall inform him.

I am, Sir,

Your obedient servant,

Wm. A. Brigham

No 132.

Enclosure No 1.
From the "Japan Weekly Mail."
October 3. 1874.

CHINESE SUBJECTS.

(TRANSLATION.)

(From the "Nisshin Shinjishi.")

The wicked inhabitants of Formosa have in [illegible] years murdered and plundered several tens of our Japanese subjects. Steps have, therefore, been taken to punish these offences, and to protect our subjects from injury in future. To this the Chinese Government have objected, and our Government has therefore despatched officials to discuss this matter, but no conclusion has yet been arrived at. We hear that you, the Chinese subjects, resident in this country, are unnecessarily apprehensive lest it should be impossible to preserve peace between the two countries, and that, if war broke out, your persons would be imprisoned, and your property plundered and confiscated, and we are informed that you torment yourselves with all kinds of anxieties. If this is truly the case, your condition is a very pitiable one. But even if war should unavoidably break out, in what are you, the Chinese subjects resident here, to blame? Except in the case of persons guilty of contraband trading, spying or doing injury to this country connected with the war, the Government of Great Japan will neither imprison nor plunder you.

Take careful note of this, obey the instructions of this Government, pursue your occupations in peace, and do not allow yourselves to be carried away by excitement.

(The above was notified on the 29th September to Chinese subjects resident in Japan in the Chinese and Japanese languages.)

(signed.) Sanjo Saneyoshi
Daijo Daijin
[Prime Minister.]

No 132.

Enclosure No 2.

Copy.

Notification No 127.

To the Imperial Chinese Envoy.

An expedition against the barbarous part of Formosa was announced in Notification No 65 of May last, and on the 22d of that month, the Commander-in-chief, Saigo Yorimichi, arrived there. The troops had arrived some days previously. They entered the territory of the savages and were exploring its lands and waters when they were suddenly fired upon by them. Our troops then attacked them & put them to rout. Eighteen heads of villages gave in their submission one after another, & almost the whole

whole savage territory was reduced to peace. We were thereafter engaged in preparing preventive measures for the future, when the Chinese Govt. persistently objected. Yanagiwara Sakimitsu, our Envoy Extraordinary & Minister Plenipotentiary to that country, was therefore entrusted to discuss the matter with the Chinese Govt., and numerous written communications and conferences were held. The further special step was then taken of despatching to China Okubo Toshimichi as High Commissioner Plenipotentiary.

It is of course the aim of His Majesty that these negotiations

negotiations shall result in a peaceful settlement and in the preservation of amicable relations, but preparations are at the same time being made to meet any emergency in case circumstances leave us no other alternative than to do so.

His Majesty will give you his further commands with reference to the result of the negotiations to be conducted henceforward by our High Commissioner to China.

(signed) Sanjo Sanetomi,
Daijo Daijin.

28th September, 74.

No 132.

Copy. Enclosure No 3.

No 84.

United States Legation,
Tokei, Oct. 1, 1874.

Your Excellency:

I called at your office yesterday for the purpose of acquainting you with the fact that Mr Watson, a citizen of the United States, hitherto referred to by Y. E. in your No 26 of date the 22d April in last, addressed to me, & who, as Y. E. then informed me, had by the action of Y. E's govt., upon my request, been detached from service under the Japanese govt. in the Formosan Expedition, is reported in the "Japan Gazette" of the 29th ult.

H. E. Terashima Munenori,

ult. to be "in Nagasaki, awaiting
instructions to resume his
"position on Genl. Saigo's staff,"
and "will probably sail for
"Formosa in a few days."
I have the honor to further in=
form Y. E. that I communicated to
my govt. copies of my communi=
cations heretofore made to
Y. E. in which I protested against
the employment of U.S. citizens
and vessels in the Japanese
expedition against Formosa &
also a copy of Y. E's despatch
of the 22d of April, setting forth
the action of Y. E's govt. as above
stated, to which my govt. has
replied that the proceedings
taken by me to detach the
citizens of the U.S. and the
steamer "New York" are approved.
Not doubting that the
instructions heretofore issued,
as stated by Y. E., for the de=
tachment of Gilbert Watson and
the

the other citizens of the U.S. named in Y. E's despatch of the 22d of April, were in accordance with the treaty obligations subsisting between the U.S. + Japan, and feeling quite assured that it has been and is the purpose of Y. E's govt. to carry the same out in good faith, I beg leave to respectfully request that Y. E. will notify Mr Watson of the instructions issued by your govt. detaching him from service in the Japanese expedition against Formosa, to the end that he may not proceed to Formosa, in violation alike of the instructions of Y. E's govt. and of the laws of his country.

I have the honor to be
Your Excellency's
obedient servt.
(signed) Jno A Bingham

No 132.

Enclosure No 4.

Copy.

No 24.

United States Consulate General,
Shanghai, 1st Sept., 1874.

Hon. John A. Bingham,
U. S. Minister to Japan,
Yedo.

Sir:

I have the honor to hand you
herewith a draft of a despatch
which has been addressed by
the several Consuls at this
port to their several Ministers
at Peking, looking to the need
of action to secure the
safety of our commerce, and
of our Settlements in the
event of war between China
and Japan.

I am, Sir,
Your obed't. servant,
(signed) Geo. F. Seward
Consul General.

No 132.

Enclosure No 5.

Copy.

Draft of an identical note to be sent by each Consul to his Ministerial Representative at Peking.

Sir:

The probability of a war between China and Japan having of late attracted much attention, and the possibility of such a contingency not by any means having passed over, it has occurred to myself and some of my colleagues to consider what would be the position of the foreign settlements of Shanghai in such an unfortunate event, and how far it would be expedient to adopt such precautions as may render that position a comparatively

comparatively safe one.

It does not need any extraordinary foresight to predict that Shanghai, from its importance as a commercial centre, and from its proximity to one of the few arsenals which China possesses, will become a focus of attack in case of hostilities being declared, and in that event the foreign settlements will be at once exposed to extreme danger, inasmuch as they stand, (that portion called British more especially,) exactly in a quarter, where any outworks necessary to cover the city from hostile approach by the river must be constructed. No move has as yet been made by the Chinese toward the utilization of this strategical position, but they may at any moment see fit to occupy it, and should they do so, and hostilities supervene, the consequences to neutral life and

and property may be very serious.

The conclusion appears to myself and Colleagues obvious, that, if such a sacrifice can be in any way averted, no effort ought to be left untried to avert it; and the alternative we would venture to propose is, that advantage should be taken of the presence in Peking of a Japanese Minister Plenipotentiary to negotiate for the neutralization of the ground covered by the foreign settlements, and a stipulation that nothing shall be done on either side to endanger the safety of the residents therein or of the property in their keeping. The Tsungli Yamen of this place, it is believed, will be quite willing to give his consent to this proposition, and I beg to submit it to Y.E., in conjunction with such of my Colleagues as are more directly interested, and each of whom has addressed an identical note to his

his Ministers, in the hope that the scheme may meet with your favorable consideration.

I may refer here to the 26th Article of the United States Treaty with China, which provides for the immunity of American commerce in case of war, and to suggest that such further negotiation may be undertaken with the Japanese as will render this provision operative as far as they are concerned; and in this connection it may be mentioned that the Chinese are likely to obstruct the Woosung Bar in case of war unless some means are adopted to prevent them taking this course.

Various and serious questions, it must be confessed, will be involved in the adoption of the proposed measure, but as these must of necessity occur to your mind, and their discussion scarcely comes within my province, I prefer to submit the simple proposition free of all observation or remark. My colleagues agree with me that it is also beyond our province to propose that any arrangements arrived at shall embrace all the foreign settlements in China and Japan, but it may not be amiss to point out how obviously desirable such an extention would be.

No 132.

Enclosure No 6.

Copy.

No 102.

United States Legation,
Tokei, Septbr. 25, 1874.

Geo. F. Seward, Esq.,
&c. &c. &c. Shanghai,

Sir:

I have to acknowledge the receipt of your despatches 23 and 24, dated the 7th August and the 1st September, respectively, and tender you my thanks for the same.

The Regulations of the Consular Courts in China, enclosed with your No 23, upon such examination as I have been able to give them, seem to me satisfactory and worthy of consideration here.

The note identical, enclosed in your No 24, I

Consider

consider to be called for in the present exigency, and, should war be declared between Japan and China, the adoption of the same should be insisted on by the Foreign Representatives accredited to both nations. I have this to suggest that the foreign settlements, or places exclusively occupied by foreigners, in each empire should be declared by the sovereign authority of each inviolate in the event of war, and should be respected alike by the forces of Japan and China.

What is said in the note identical touching the 26th Article of the United States treaty with China, is a matter of the first importance to the people of the United States, and it shall

shall be my pleasure, as it is my duty, to cooperate with you and with all the representatives of our common country, in securing to our people the full benefit of that Article, if, unhappily, a public, solemn war shall obtain between Japan and China.

I am, Sir,
Your obedient servant,
(signed) Jno. A. Bingham.

W. B. Connor
Nov 7

Answ Dec 11.

No 133.

Mr Connor & Mr Pratt

U. S. Legation, Japan,
Tokei, October 8, 1874.

Mr Bingham
to the
Hon. Secretary of State.

Subject.

Correspondence in regard to the claim of the late Dr Hozier. The M. F. A. again proposes to bring the matter into Japanese Court.

Enclosures.

1. M. F. A. to Mr Bingham - June 15/74
2. Mr Bingham to M. F. A - July 10/74.
3. M. F. A. to Mr Bingham - July 28/74
4. Mr Bingham to M. F. A. - July 28/74.

No 133.

U. S. Legation, Japan,
Tokei, October 8, 1874.

Sir:

I have received a further communication, dated the 10th July last, from the Minister for Foreign Affairs relative to the claim of the late Dr W. H. Hozier, a copy of which is herewith (Enclosure No 1.)

1/133

You will observe that the Minister concludes this communication with the request, made before this, of trying the question

Hon. Hamilton Fish,
Secretary of State,
Washington, D.C.

question anew and bringing face to face, before the Japanese Courts and the Counsel of the contending parties, Mr Alt and Mr Soto, the mediators. To this communication I made reply on the 10th of July last

2/33 (Enclosure No 2.) in which, among other things, I informed the Minister that I would submit his reply to the Department of State, and further answered him that I did not see the propriety of a submission to a Japanese Court, as suggested by him, of the question whether an award made three years ago in favor of the

Claimant

Claimant should be paid.
To this I received a reply
from the Minister for
33 Foreign Affairs (Enclosure
No 3,) dated the 28th of July.
On the same day I had a
conversation with the Min-
ister upon the subject, in
which I fully answered, as
I thought, all the objections
which have heretofore been
urged by the Japanese
government against this
claim, and on the same
day I addressed to the
Minister for Foreign Affairs
a further communication
3 on the subject (Enclosure No 4)
in which you will notice

that,

that, referring to our full
conversation of that day,
I expressed the hope that
after a careful consideration
of what had been said
between us, orally and in
writing, the Minister would
reach the conclusion that
in equity and good con-
science the ten thousand
dollars awarded to Dr
Hozier should now at the
end of three years be paid
to his orphan children
without interest. I have
deferred communicating
to you on the subject, in
the hope that a reply to
my last letter to the
Minister

Minister for Foreign Affairs
would be made, but, having
received none, I submit
the matter for your con=
sideration, and respectfully re=
quest instructions as to
what further action I
shall take in the premises.

I am, Sir,

Your obedient servant,

Wm A Burpham

No 133.

Enclosure 1.

Copy of translation.

The 15th of the 6th Month,
the 7th year of Meiji.
(June 15, 1874.)

His Excellency
J. A. Bingham,
Envoy Extraordinary and
Minister Plenipotentiary of the
United States in Japan.

Sir:

I have the honor to acknowledge the receipt of Your Excellency's communication of the 13th March, 1874, [Enclosure. Mr Bingham's No 67.] relative to the claim of Le Roy Hogue, a citizen of the United States, against the late Kochi Han. In reply I find myself under the necessity of expressing my distinct denial that this claim has ever been adjudicated.

Y.

Y. E. states that in quoting what Mr Connor says, viz.: "just as "the award was about to be "made, a Minister of the Tosa "Han arrived, and put a stop "to all further proceedings," and in suppressing the important part wherein he declares "that "Mr Alt found that Dr Hogive "had not broken the contract and "he awarded to Hogive $10000 "Cash at once, the reference in my communication to the report given by Mr Connor, is but a partial statement of his opinion, I respectfully bring to your notice the third Clause of Mr Connor's report, wherein he says that Mr Alt found that Dr Hogive had not broken the contract, and he awarded to the plaintiff $10000 cash at once, is annulled by Mr Connor's words expressed afterwards "Just when the award was made,

in

"in favor of the plaintiff, a
"minister of the Goat arrived and
"put a stop to all further proceedings".
It was in consequence found un-
necessary to allude in my com-
munication to the former part of
the remarks. Further, the
Connor refers in parenthesis,
in the third clause of his
report, to a letter dated the
6th October, 1871, and marked
in Enclosure No 1. This is a
letter presented at the Foreign
Office at Osaka by the Kochi
Han. On examination of the orig-
inal of this letter, it was
found that it had been
mistranslated. The original says
that "certain officers had a
"meeting with Mr Alt, who, when
"the above Contract was formerly
"in the course of being agreed
"upon, acted for both parties, they
"Explained to him the above
"facts, and asked his opinion
of

"of the matter. He replied that
"Dr Hozier could not be ac-
"quitted of these accusations."
Dr Hozier says in his com-
plaint that "the plaintiff pro-
"ceeded to Yeds in company with
"Mr Sakuma, the officer in
"charge of the business, and it
"was left to the arbitration
"of Mr Alt. Just as the award
"was made, $10000 cash at
"once, one of the Ministers of
"the Tosa Han arrived and put
"a stop to all further proceedings."
From this, it is evident that no
decision was made by Mr Alt -
to the effect that Dr Hozier
had not broken the contract,
although he says in his com-
plaint the award was made
to the plaintiff, $10000 cash at
once.

Y. E. further states in your
communication that, "what is
"his due Dr Hozier is entitled
to

"to; no matter what amount
"of damages he puts in his
"contract, he is in law and
"equity entitled to the
"sum found and declared
"in his favor by the referee,
"Mr Alt." In reply to this
point, I beg to say that
Mr Alt and Mr Gato were
selected at the proposal of
the Kochi Han as mediators,
who, it was hoped, might
succeed in bringing the
parties to a mutual ar=
rangement. They were never
empowered to make an award,
and there is no evidence that
they were. Also, Mr Hughes
says in his letter, in the
recent interview with Iwasaki
Yataro and another, that the
mutual arrangement so nearly
carried out in July last
had not been completed, on
owing to the arrival of an
officer

office of their country.
Mr Frank, Vice Consul of the
U.S., in his report to your
Government dated Dec. 16, 1874
says "the claim was filed in
"due form in this office
" after the failure of an
"attempted settlement between
"the parties." These facts show
that no mutual arrangement
could come to, and that no
decision was made. In
conclusion, I beg to add
that I cannot find any
other means of settling the
question than in bringing
face to face before the Japanese
Judicial Court the Counsels
for the contending parties
and Mr Alt and Mr Gato,
the mediators.

With respect & consideration.

(Signed) Terashima Munenori
H. I. J. M. Minister for F. A.

Memorandum.

Memorandum.

Presented by the Kochi Han to the Foreign Office at Osaka.

[Enclosed thus in the foregoing despatch.]

Dr Hozier, an American was employed by the Kochi Han as a teacher, and during his engagement he not only violated his contract, but even all the scholars under him were discontented, and on account of these facts, the Han accused him of these violations. But as he showed no regret for his conduct, certain officers went with him to Tokei, by steamer, and had a meeting with Mr Alt, who, when the above contract was formerly in the course of being agreed upon, acted for both parties. They Explained to him the above facts, and asked his opinion of the matter; he replied that Dr Hozier could not be acquitted

of these accusations.
While the Han was preparing
to bring the case under
notice of the Consulate of the
U.S. of America in Tokei, Japan,
Dr Hozier under protest of
returning home and of laying
the matter before his Government,
departed from Tokei, and
therefore the Han submitted
the enclosures to the Foreign
Dept. at Tokei. In the meantime,
under the impression that Dr
Hozier had reported the above
facts to your office, the Han
received instructions from your
office to send immediately to
your office for the purpose of
Examining the case and those officers
who had formerly gone to Tokei.
In reply the undersigned have to
say, respectfully, that even if these
officers do go to Tokei, there will be
no difference in the facts above
stated. (Signed) Kochi Kan.

No 133.

Enclosure No 2.

Copy.
No 53.

United States Legation,
Tokei, July 10, 1874.

Your Excellency:

I have the honor to acknowledge the receipt of your letter of the 13th ult. in relation to the claim of the late Dr Wm H. Hozier. I shall lay a copy of the communication with its enclosure before the Department of State.

I am constrained to say that, in my opinion, Y. E's letter furnishes no sufficient answer to the position assumed by me in my communication of the

H.E. Terashima Munenori,
H.I.J.M. Minister
for Foreign Affairs.

the 13th March last, viz.:
that the matter in dispute
between Dr Hozier and the
Kochi Han were submitted
to the arbitration of Mr
Alt, and that Mr Alt made
an award in favor of Dr
Hozier, to the effect that
the latter was entitled
to receive $10000.
It is worthy of note that
the communication of Your
Ex's predecessor (Mr Soyeshima,)
on the subject, dated Oct. 3,
1872, makes no reference what-
ever to the proceedings at
Tokei, and to the award
there made by Mr Alt.
It remained for Y. E. to
raise the question for the
first time in your letter
dated the 13th Dec. last, +
many months after the decease
of the claimant, and more
than two years after
the

the award was made by the Att, whether any award had been made. In that letter Y.E. relied upon the report of the O'Connor, Examiner of Claims in the State Dept., to justify your conclusion that an award had not been made. Y.E. now states, referring to the same report, that the Att found that Dr "Hozier had not broken the "contract and he awarded Hozier "$10000, cash, at once", but Y.E. adds that this is annulled by the O'Connor's words expressed afterwards, viz.: "Just when the "award was made in favor of "the plaintiff, a Minister of the "Govt. arrived and put a stop "to all further proceedings."

Y.E. cannot fail to see, that this report avers that an award was made and states its amount, but Y.E. fails to show how a Minister of the

Government

Govt. part to the submission could in equity "put a stop to all "further proceedings" after an award was made and announced. This is the ground of my complaint, that either a government or an individual, after submission to an arbitrator and an award made, should pretend that there was any law or equity for "putting a stop to "all further proceedings. In my opinion, awards are not to be avoided in that way by either governments or individuals.

Y. E. now states that Mr Alt and Mr Gato were selected as mediators, but "were "not empowered to make an "award". Inasmuch as these gentlemen never acted jointly in the premises, it is not necessary to say more than that this statement of Y. E. contradicts the truth of Mr O'Connor's report

report and Dr Hyde's complaint filed with the Vice Consul at Hiogo, that this matter was left to the arbitration of Mr Alt at Tokei, who made the award as already stated.

I regret to say that Y. E.'s reference to Mr Hughes statement fails to disclose the important fact therein set forth, that in his interview with the authorized agents of the Tosa government they expressed to Mr Hughes "their regret that the "compromise by payment of $16000, "so nearly carried out in July "last (1871) had not been completed "through the arrival of an officer from their country."

"Compromise" as used here, in the light of the plaintiff's complaint and of Mr O'Connor's report, as well as by its accepted use and interpretation, means arbitration. The statement of

Mr

Mr Hughes is, in substance, that, but for the arrival of an officer from their (the agents') country, the $10,000 agreed upon by compromise, or arbitration, would have been paid in July, 1871, and thereby the award would have been carried out. It seems to me, with all due respect, somewhat remarkable that Y. E. should have omitted in your reference to Mr Hughes' statement the words "payment of $10000," the exact amount of the award. It is also unfortunate, in my opinion, for the cause of the deceased Claimant, now represented only by his Children, that Y. E. relies upon a general statement, as you report it, of Vice-Consul Frank to the Dept. of State, of date Dec. 15, 1871, in reference to the plaintiff's Claim, instead of

taking

taking the statement of the
claim filed by the claimant
with the Vice Consul on the
2d day of July, 1871, in which
it is expressly declared that
the "plaintiff (Hozier,) proceeded
"to Yedo in company with Mr
"Sakuma, the officer in charge
"of the business, and it was left
"to the arbitration of Mr Alt,"
and that the latter's "award
"was made, $10000 cash at once.
By Y. E.'s reference to Mr Frank's
communication, Y. E. necessarily
makes that communication, together
with all the enclosures therein,
referred to, a part of this case.
Y. E. will notice that in his
communication the Vice Consul
submits to the Dept. the claim
of Dr Hozier, and thereby makes
the claim and its statement
a part of his communication.
From that statement I have
quoted as above, showing that
there

was an arbitration. I regret to observe that the following language of Mr Frank in his communication quoted by Y. E., fully confirmatory of the statement made by Dr Hozier, finds no place in Y. E.'s letter, viz.: "said settlement (i.e. arbi-
"tration,") having been proposed
"by defendants, the failure
"arising from the interference
"of an interested party in
"the Tola Government, who was
"removed from office on the
"proven charges by Dr Hozier &c."
These words Y. E. cannot fail to see are a substantial averment of what I have already cited from the written claim filed before the Vice Consul by Dr Hozier, and made part of his communication.

The Memorandum of the Kochi Raja enclosed with Y. E's communication of the 16th

15th ult. says nothing of the award of $10000 made by Mr Alt, neither affirming nor denying it, and therefore throws no light upon the question whether that gentleman did or did not make an award.

Upon the whole case as it stands of record, I am constrained to repeat, substantially, what I said in my former communication, that there is no room to doubt that the claim of Dr Hozier was, in his lifetime, upon the suggestion and with the consent of the Tosa Stock, submitted to Mr Alt as arbitrator, and that Mr Alt did make an award in favor of Dr Hozier, to the effect that the latter was entitled to receive at one $10000. The evidence upon which this conviction rests is before Y. E.

I

I do not see the propriety of submitting to trial before a Japanese Court, as suggested by Y. E., the question whether an award made three years ago in favor of the claimant should be paid; and I may be allowed to add that such submission should not be insisted upon now that the claimant is dead.

I have the honor to be

Your Excellency's

obedient servant,

(signed,) John A. Bingham

No 133.

Enclosure No 3.

Copy of translation.

Foreign Dept., Tokio,
the 28th, 7th month, 7th year
of Meiji (July 28. 1874.)

To
H. E. John A. Bingham,
E. E. & M. P. of the U.S.

Y. E.:

I have the honor to acknowledge the receipt of Y. E.'s letter under date the 10th inst., apprising me that you intend to send to the Dept. of State a copy of my letter of the 15th of 6th month last, with its enclosure, both in relation to the claim of the late Dr. Hozier.

I can offer no objection to your doing so, but I deem it necessary to bring to Y. E.'s attention that I

notice

notice an inaccuracy made
in your letter in the
quotation from the report
of Mr O'Connor, Examiner
of Claims to Y. E's govt, by
which he is made to say,
"Just when the award was made,"
instead of the words "Just
"as the award was about to be
"made," as they appear in
the copy of the report
furnished me by your
predecessor, Mr De Long.

With respect & consideration,
(Signed.) Terashima Munenori,
H. I. J. M's. Minister
for Foreign Affairs.

No 133.

Enclosure No 4.

Copy.

No 5-6.

United States Legation,
Tokei, July 28, 1874.

Your Excellency:

I have the honor to acknowledge the receipt of Y. E.'s letter of this date in reply to my communication of the 10th inst. with reference to the claim of the late Dr Hozier. I would respectfully remark that the inaccuracy in the quotation from the report of Mr O'Connor of which Y. E. speaks, was made in Y. E.'s communication to me of the 15th ultimo, in which, as appears by the translation forwarded to me, Y. E. quotes as Y. E.

Terashima Munenori,

as Mr O'Connor's words, the
following: "Just when the
award was made in favor
"of the plaintiff, a Minister
"arrived &c Y. E. will observe
in my communication of the
10th inst. in which you
point out the supposed inac-
curacy, that I quote the words
as above from Y. E.'s letter of
the 15th ult. It is not needful
to say more on the subject; as
Y.E. well said in our interview
this morning, the word, "about,"
omitted by Y. E. is not important
in view of the fact that Mr O'Connor
reports that Mr Alt found
that Dr Hozier had not broken
the contract, and that he
"awarded $10.000, cash, at once."

I trust after our full
conversation this morning, and
after a careful review of the
letters which have passed between
us, Y. E. will come to the in-

Conclusion

conclusion that in equity and good conscience the ten thousand dollars awarded to Dr Hozier should now, at the end of three years be paid to his orphan children <u>without interest.</u>

I have the honor to be
Yowr Excelleney's
obedient servant,

(signed) Jno. A. Bingham.